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Ontario

STATUTES

OF THE

PROVINCE OF ONTARIO

RECEIVING ROYAL ASSENT IN THE YEAR 1981

Being in the twenty-ninth and thirtieth years of the Reign of
Her Majesty Queen Elizabeth II

In which was held the First Session of the Thirty-
Second Legislature of Ontario, convened on the 21th day
of April, 1981 and ending upon the prorogation of the
Legislature on the 18th day of December, 1981.

HIS HONOUR JOHN B. AIRD
LIEUTENANT GOVERNOR

TORONTO

PRINTED BY ALAN GORDON, QUEEN'S PRINTER FOR ONTARIO

1981



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Stats-Can

HONOURABLE JOHN R. MARR
ELECTRICITY GOVERNOR

On 52

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PART I

PUBLIC ACTS

Chapters 1 to 74

CHAPTER 1

An Act to amend the Liquor Licence Act

Assented to May 15th, 1981

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause 39 (2) of the *Liquor Licence Act*, being chapter 244 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

s. 39 (2),
re-enacted

 - (2) prohibiting or regulating and controlling the possession of liquor in provincial parks, in a park managed or controlled by the Niagara Parks Commission, the St. Lawrence Parks Commission, the St. Clair Parkway Commission or on lands owned or controlled by a conservation authority established or continued under the *Conservation Authorities Act*.

R.S.O. 1980,
c. 85
2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment
3. The short title of this Act is the *Liquor Licence Amendment Act, 1981*.

Short title

CHAPTER 2

An Act to amend the Personal Property Security Act

Assented to June 17th, 1981

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The *Personal Property Security Act*, being chapter 375 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section: s. 66a,
enacted

66a. Notwithstanding clause 3 (1) (c) of this Act, a mortgage, charge or assignment the registration of which is provided for in the *Corporation Securities Registration Act* shall not be invalid by reason only that it has not been registered under that Act, if the security interest created by the mortgage, charge or assignment is perfected by registration in compliance with this Act and this Act shall be deemed always to have applied to any such security interest. Saving
R.S.O. 1980,
c. 94

2. Section 1 does not affect the rights acquired by any person from a judgment or order of any court prior to the day this Act comes into force, or affect the outcome of any litigation commenced on or before the 27th day of April, 1981. Saving
3. This Act comes into force on the day it receives Royal Assent. Commence-
ment
4. The short title of this Act is the *Personal Property Security Amendment Act, 1981*. Short title

CHAPTER 3

An Act respecting Massey-Ferguson Limited

Assented to June 17th, 1981

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

- (a) "Canada" means Her Majesty the Queen in right of Interpre-
Canada; tation
- (b) "Corporation" means Massey-Ferguson Limited, a corporation continued under the provisions of the *Canada* 1974-75,
Business Corporations Act; c. 33 (Can.)
- (c) "Minister" means the Minister of Industry and Tourism;
- (d) "Ontario" means Her Majesty the Queen in right of the Province of Ontario;
- (e) "Shares" means the eight million \$25 Stated Value Cumulative Redeemable Retractable Preferred Shares, Series "D" of the Corporation.

2.—(1) The Minister, on behalf of the Province of Ontario, is Province
authorized to purchase, hold and sell Shares of the Corporation authorized
in accordance with the terms and conditions approved by the to acquire
Lieutenant Governor in Council. Shares

(2) The number of Shares of the Corporation to be purchased Limitations
by the Minister at any time under subsection (1) shall not exceed
37.5 per cent of the total aggregate number of such Shares to be
purchased at any time by Ontario and Canada.

(3) Notwithstanding any other provision of this Act, the Idem
amount of money provided or payable by the Minister under this
section to purchase Shares of the Corporation shall not exceed
in aggregate the amount of \$78,000,000.

Money to be
paid from
C.R.F.

(4) The money necessary for the purchase of Shares of the Corporation shall be paid out of the Consolidated Revenue Fund.

Money to be
paid into
C.R.F.

3. All money received by the Minister either upon the sale of any Shares of the Corporation or upon the payment of any amount with respect to any dividend on such Shares shall be paid into the Consolidated Revenue Fund.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. The short title of this Act is the *Massey-Ferguson Limited Act, 1981*.

CHAPTER 4

An Act to amend the Tobacco Tax Act

Assented to June 17th, 1981

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of the *Tobacco Tax Act*, being chapter 502 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clauses: s. 1,
amended

(ga) "taxable price per cigarette" means the price per cigarette from time to time prescribed by regulation by the Minister as the taxable price per cigarette for such period of time as the Minister may prescribe, and in determining the taxable price per cigarette, the Minister shall use the median price obtained by him from such periodic sampling as he considers appropriate of the retail prices (excluding the tax imposed by this Act) of packages of twenty cigarettes in such part or parts of Ontario as he shall direct a sample to be taken, provided that no change in the taxable price per cigarette from time to time in effect shall come into force until at least two days after the filing of a regulation prescribing a different taxable price per cigarette;

(gb) "taxable price per gram" of tobacco, other than cigarettes or cigars, means the price per gram of such tobacco from time to time prescribed by regulation by the Minister as the taxable price per gram of such tobacco for such period of time as the Minister may prescribe, and in determining the taxable price per gram, the Minister shall use the median price obtained by him from such periodic sampling as he considers appropriate of the retail prices (excluding the tax imposed by this Act) of 50-gram packages of tobacco, other than cigarettes or cigars, in such part or parts of Ontario as he shall direct a sample to be taken, provided that no change in the taxable price per gram from time to time in effect shall come into force until at least two days after the filing of a regulation prescribing a different taxable price per gram.

s. 2 (1),
re-enacted

2. Subsection 2 (1) of the said Act is repealed and the following substituted therefor:

Tax on
consumers

(1) Every consumer shall pay to Her Majesty in right of Ontario a tax at the rate of,

- (a) 36 per cent of the taxable price per cigarette on every cigarette purchased by him;
- (b) 30 per cent of the taxable price per gram on every gram or part thereof of any tobacco, other than cigarettes or cigars, purchased by him; and
- (c) 45 per cent of the price at retail of every cigar that is purchased by him, provided that where the application of such rate of tax produces a fraction of a cent, the fraction shall be counted as one full cent,

and until a taxable price per cigarette or taxable price per gram is prescribed by regulation by the Minister in accordance with this Act, every consumer shall pay to Her Majesty in right of Ontario a tax at the rate of,

- (d) 1.46 cents on every cigarette purchased by him; and
- (e) 0.7 cents on every gram or part thereof of any tobacco, other than cigarettes or cigars, purchased by him.

Idem

(1a) The tax imposed by this Act shall not be increased or reduced by reason of the fact that the price or consideration paid or given by a consumer for cigarettes or for tobacco, other than cigarettes or cigars, is different from the taxable price per cigarette or from the taxable price per gram, as the case may be.

s. 14 (1) (c),
amended

3. Clause 14 (1) (c) of the said Act is amended by striking out "audit or examination" and to answer all questions relating to the audit or examination" in the eighth and ninth lines and inserting in lieu thereof "audit or examination, or the determination by him of the retail price of any tobacco sold, and to answer all questions relating to such audit, examination or determination".

s. 21 (1),
re-enacted

4. Subsection 21 (1) of the said Act is repealed and the following substituted therefor:

Penalty
for selling
tobacco
with no
wholesale
dealer's
permit

(1) Every person who sells tobacco in Ontario for resale without holding a subsisting wholesale dealer's permit issued under this Act shall, when assessed therefor, pay a penalty computed as follows:

- (a) 1.25 times the amount of tax that would have been exigible on cigarettes so sold by him if such cigarettes had been purchased by a consumer;
- (b) twice the amount of tax that would be exigible on tobacco, other than cigarettes or cigars, so sold by him if such tobacco had been purchased by a consumer; and
- (c) 50 per cent of the price at which each cigar was so sold by him.

5. Subsection 22 (2) of the said Act is amended,

s. 22 (2),
amended

- (a) by inserting after "province" in the seventh line "or territory"; and
- (b) by striking out "federal or provincial law" in the thirteenth line and inserting in lieu thereof "federal, provincial or territorial law or ordinance".

6.—(1) Clauses 28 (1) (e), (f) and (l) of the said Act are repealed.

s. 28 (1)
(e, f, l),
repealed

- (2) Subsection 28 (2) of the said Act is repealed and the following substituted therefor:

s. 28 (2),
re-enacted

(2) The Minister may make regulations,

Minister
may make
regulations

- (a) prescribing any form required by this Act or the regulations or that, in his opinion, will assist in the administration of this Act, and prescribing how and by whom any form shall be completed and what information it shall contain;
- (b) prescribing the returns and statements to be made by importers, manufacturers and dealers of tobacco, the information to be given in such returns and statements, and by whom and in what manner they are to be made;
- (c) providing for the extension of time for making returns;
- (d) providing for the refund of the whole or any part of the tax paid under this Act, and prescribing the records and material to be furnished upon any application for a refund;
- (e) prescribing the taxable price per cigarette or taxable price per gram to be in effect from time to time for cigarettes or for tobacco, other than cigarettes or cigars,

and prescribing the period of time for which taxable price per cigarette or taxable price per gram shall be in effect;

- (f) fixing to the nearest hundredth of a cent the tax per cigarette or per gram of tobacco, other than cigarettes or cigars, to be paid under this Act as a result of the prescribing from time to time of a taxable price per cigarette or taxable price per gram in accordance with clause (e).

Commence-
ment

- 7.**—(1) This Act, except sections 1, 2 and 6, comes into force on the day it receives Royal Assent.

Idem

- (2) Sections 1, 2 and 6 shall be deemed to have come into force on the 20th day of May, 1981.

Short title

- 8.** The short title of this Act is the *Tobacco Tax Amendment Act, 1981*.

CHAPTER 5

An Act to amend the Race Tracks Tax Act

Assented to June 17th, 1981

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsections 2 (1) and (2) of the *Race Tracks Tax Act*, being chapter 428 of the Revised Statutes of Ontario, 1980, are repealed and the following substituted therefor:

(1) Every holder of a winning ticket issued under the pari-mutuel system upon a race run at a race meeting shall pay a tax, ^{Tax on bets}

(a) at the rate of 9 per cent in the case of a triactor bet or wager; and

(b) at the rate of 7 per cent in the case of all other bets or wagers,

upon the amount that would be payable to him if no percentage were deducted or retained by the person holding the race meeting in respect of such race.

(2) The tax shall be collected by the person holding the race meeting as the agent of the Treasurer by deducting from the total amount bet or wagered upon such race a sum equal to, ^{Collection}

(a) 9 per cent of the total amount bet or wagered on a triactor bet; and

(b) 7 per cent of the total amount bet or wagered otherwise than on a triactor bet,

and the sums so deducted shall be paid over to the Treasurer at the close of each day's racing.

- 2.—(1) Section 10 of the said Act is amended by adding thereto the following clause: ^{s. 10, amended}

(ca) defining the term "triactor" and the class or kind of bet or wager to which that term applies.

12	Chap. 5	RACE TRACKS TAX	1981
s. 10, amended	(2) The said section 10 is further amended by adding thereto the following subsection:		
Retroactivity	(2) A regulation is, if it so provides, effective with reference to a period before it was filed but not earlier than the 20th day of May, 1981.		
Exemption	<p>3. Where the Minister is satisfied that it has not, until some time after the 19th day of May, 1981, proved practicable in any particular case for the person holding a race meeting to adapt the pari-mutuel betting system in use at the race meeting to take into account the tax of 9 per cent provided for herein, the Minister may, by notice in writing to the person holding a race meeting, exempt all persons liable to pay or collect the tax from the amount of the tax in excess of 7 per cent, provided that the exemption shall not be for a period of time longer than that which the Minister considers reasonably necessary to make the adaptation required in any particular case.</p>		
Commence- ment	<p>4. This Act shall be deemed to have come into force on the 20th day of May, 1981.</p>		
Short title	<p>5. The short title of this Act is the <i>Race Tracks Tax Amendment Act, 1981</i>.</p>		

CHAPTER 6

An Act to amend The Toronto Islands Act, 1980

Assented to June 17th, 1981

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 (1) of *The Toronto Islands Act, 1980*, being chapter 60, is amended by striking out "1st day of July" in the seventh line and inserting in lieu thereof "31st day of December". s. 1 (1),
amended
2. This Act comes into force on the day it receives Royal Assent. Commence-
ment
3. The short title of this Act is the *Toronto Islands Amendment Act, 1981*. Short title

CHAPTER 7

**An Act respecting Certain Potential Assets
of Co-operative Health Services of Ontario***Assented to June 17th, 1981*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, "trust property" means the funds in the possession of Montreal Trust Company of Canada on the 17th day of June, 1981, and any interest thereon, from the sale of the lands known municipally as 20 Finch Avenue West and 277 and 279 Duplex Avenue, all in the City of North York, in The Municipality of Metropolitan Toronto, sold by W. Ross Hitch, in Trust, to 462333 Ontario Limited. Interpretation

2. Notwithstanding the decision of any court, the trust property shall be held by Montreal Trust Company of Canada, as trustee, or by such other trustee as may be named by the Lieutenant Governor in Council, until such time as The Clarkson Company Limited applies to the Supreme Court of Ontario for discharge as liquidator of the estate and effects of Co-operative Health Services of Ontario. Funds to be held in trust

3. The trustee shall not distribute or, except for the purposes of transferring the trust property to a trustee appointed under clause 4 (a), release the trust property until The Clarkson Company Limited makes the application referred to in section 2. Dealings by trustee

4. The Lieutenant Governor in Council may, by order, Powers of Lieutenant Governor in Council

- (a) name a person to act as trustee of the trust property and, where a person is so named, the trustee, as of the day of the order, shall take all steps necessary to transfer the trust property to the new trustee; and
- (b) prescribe one or more classes of investments that may be made by the trustee with respect to the trust property and fix the compensation of the trustee, which compensation shall be paid out of the trust property.

Commence-
ment

5. This Act shall be deemed to have come into force on the 17th day of June, 1981.

Short title

6. The short title of this Act is the *Co-operative Health Services of Ontario Assets Protection Act, 1981*.

CHAPTER 8

An Act to amend the Fire Marshals Act

Assented to June 26th, 1981

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of the *Fire Marshals Act*, being chapter 166 of the Revised Statutes of Ontario, 1980, is amended by relettering clause (a) as clause (aa) and by adding thereto the following clause: s. 1,
amended

(a) "fire code" means the regulations made under section 18a.

- 2.—(1) Subsection 18 (2) of the said Act is amended by inserting after "property" in the tenth line "or that a provision of the fire code is being contravened" and by adding thereto the following clauses: s. 18 (2),
amended

(d) with the approval of the Fire Marshal and on such terms and conditions as the Fire Marshal considers proper, the closing of the buildings, other structures or premises until such time as corrective action has been taken and the hazardous condition has been rectified; and

(e) the remedying of any contravention of the fire code.

- (2) Section 18 of the said Act is amended by adding thereto the following subsections: s. 18,
amended

(2a) Where repairs, alterations or installations are carried out in compliance with an order made under this section, the repairs, alterations or installations shall be deemed not to be in contravention of the building code established under the *Building Code Act*, notwithstanding the provisions thereof. Repairs, etc.,
deemed not to
be in contra-
vention of
R.S.O. 1980,
c. 51

(2b) Where a building, other structure or premises has been constructed within the meaning of the *Building Code Act* in compliance with the building code established under that Act No order
where
compliance
with
R.S.O. 1980,
c. 51

and continues to comply with that code as it existed at the time of construction, no officer making an inspection shall order the making of structural repairs or alterations in the building, other structure or premises.

Copy of
order

R.S.O. 1980,
c. 51

(2c) Where the officer making an inspection orders the making of repairs, alterations or installations in the building, other structure or premises, he shall furnish a copy of the order to the proper chief building official appointed under the *Building Code Act*.

Contents and
service
of order

(4a) An order made by an officer under subsection (2) or (4) shall set out the reasons for the order, the action required to be taken, the time for compliance with the order and the right to request a review of the order and to apply for a hearing and appeal under this section, and a copy of the order shall be served upon the owner and occupant of the building, other structure or premises.

s. 18 (5-16),
re-enacted

(3) Subsections 18 (5) to (16) of the said Act are repealed and the following substituted therefor:

Direction
by Fire
Marshal

(5) Where an order made under clause 2 (d) requires the closing of a building, other structure or premises and the Fire Marshal is of the opinion that it is necessary for the immediate protection of persons and property that the building, other structure or premises should be closed forthwith, the Fire Marshal may direct that the building, other structure or premises be closed forthwith and remain closed until the corrective action required by the order has been taken or an appeal from the order is heard and determined.

Informal
review

(6) The Fire Marshal may, upon the request in writing of the occupant or owner of the building, other structure or premises or in any other case he sees fit, review and amend or rescind an order made by an officer under subsection (2) or (4) and in so doing the Fire Marshal is not required to hold a hearing.

Appeal to
Fire Code
Commission

(7) Any person who considers himself aggrieved by an order made by the Fire Marshal or an officer under subsection (2) or (4) or amended under subsection (6) may, within ten days after the order is made or amended, apply to the Fire Code Commission for a hearing and appeal.

Powers of
Commission

(8) Where an application is made under subsection (7), the Fire Code Commission shall appoint a time for and hold the hearing and may rescind or affirm the order of the Fire Marshal or officer

or take such action as the Commission considers the Fire Marshal or officer ought to take in accordance with this section, and for such purposes the Commission may substitute its opinion for that of the Fire Marshal or officer.

(9) The Fire Code Commission may extend the time for making an application under subsection (7) either before or after expiration of the time fixed therein, where it is satisfied that there are *prima facie* grounds for granting relief to the applicant pursuant to a hearing and that there are reasonable grounds for applying for the extension and may give such directions as it considers proper consequent upon the extension, but no application for extension of time shall be made more than thirty days after the order appealed from was made or amended. Extension of time

(10) The Fire Code Commission may, upon application therefor which may be made *ex parte*, order that the order appealed from be not stayed pending the outcome of the appeal but shall take effect immediately where, in its opinion, such action is necessary in the interest of public safety. Lifting of stay

(11) Any party to the hearing before the Fire Code Commission under subsection (8) may appeal from the decision of the Commission to the Divisional Court in accordance with the rules of court. Appeal to Divisional Court

(12) The Minister is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under subsection (11). Minister entitled to be heard

(13) An appeal under subsection (11) may be made on any question that is not a question of fact alone and the court may confirm or alter the decision of the Fire Code Commission or direct the Fire Marshal or officer to do any act he is authorized to do under this section or may refer the matter back to the Commission for reconsideration by the Commission as the court considers proper and the court may substitute its opinion for that of the Fire Marshal or officer or the Commission. Powers of court on appeal

(14) Every person who fails to comply with an order made under subsection (2), (4), (8) or (13) is guilty of an offence and on conviction is liable to a fine of not less than \$100 and not more than \$1,000 for every day during which the default continues, and the imposition or payment of the fine does not relieve the person from complying with the order. Offence

(15) Where an order is not complied with within thirty days after conviction under subsection (14), a provincial offences court may, upon application by the Fire Marshal or an officer which may be made *ex parte*, order the closing or removal of the building, other structure or premises or the removal of any sub- Powers of provincial offences court

stance, material or thing therefrom where, in its opinion, such action is necessary in the interest of public safety.

Owner liable
for expenses
for closing
or removal

(16) Where the order of a provincial offences court made under subsection (15) is carried out by the Fire Marshal or an officer and the building, other structure or premises are in a municipality the expenses actually and necessarily incurred by Ontario or the municipal corporation, as the case may be, may be added by the clerk to the collector's roll and may be collected as municipal taxes, and any moneys so collected that represent expenses incurred by Ontario shall be paid to Ontario.

Service
and
posting
of notice

(17) Where an order or direction made under subsection (2), (5) or (15) requires the closing of a building, other structure or premises, a copy of the order or direction shall be served upon the owner if his whereabouts in Ontario are known and shall be posted on the building, other structure or premises and no person shall enter the building, other structure or premises or remove such copy unless authorized by the Fire Marshal or an officer.

Offence

(18) Every person who contravenes subsection (17) is guilty of an offence and on conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both.

Fine

(19) Every person who hinders or disturbs the Fire Marshal or an officer in the exercise of his duties under this section is liable on conviction under section 15 to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both.

Restraining
order

(20) Where it appears to the Fire Marshal or an officer that any person does not comply with an order made under this section, notwithstanding the imposition of any penalty in respect of such noncompliance and in addition to any other rights he may have, the Fire Marshal or officer may apply to a judge of the High Court for an order directing such person to comply with such order, and upon the application, the judge may make such order as the judge thinks fit.

Appeal

(21) An appeal lies to the Divisional Court from an order made under subsection (20).

Service
of notice,
etc.

(22) Where any notice, order, direction or other document is authorized or required to be given, served or delivered to a person under this section, the document may be served personally or by mail addressed to the person or his agent for service at his last known address and, where service is by mail, the service shall be deemed to have been made on the fifth day after the day

of mailing unless the person or his agent for service establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the document until a later date.

(23) In this section and in sections 18*a* and 18*c*, “officer” ^{Interpre-}
means the Deputy Fire Marshal, a district deputy fire marshal, an ^{tation}
inspector or an assistant to the Fire Marshal, unless the context
otherwise requires.

3.—(1) The said Act is amended by adding thereto the following ^{s. 18*a*,}
section: ^{enacted}

18*a*.—(1) The Lieutenant Governor in Council may make ^{Regulations}
such regulations as are considered advisable or necessary for the
purpose of establishing a fire code for Ontario governing fire
safety standards for buildings, other structures and premises
including, but without limiting the generality of the foregoing,
regulations,

- (*a*) prescribing any method, matter or thing relating to fire prevention and fire protection;
- (*b*) requiring and regulating fire prevention and fire protection equipment and systems;
- (*c*) requiring and regulating means of egress, fire separations, finish materials, furnishings and decorations, standards of housekeeping and heating, ventilation, air conditioning and incinerating equipment and systems;
- (*d*) controlling or prohibiting any material, substance, equipment or system affecting fire safety;
- (*e*) requiring and regulating procedures respecting fire safety and the keeping and furnishing of records and reports;
- (*f*) requiring the approval of the Fire Marshal in respect of any method, matter or thing;
- (*g*) requiring notice to be given to the Fire Marshal respecting any change in use or occupancy;
- (*h*) prescribing conditions for use, occupation or demolition;
- (*i*) exempting any class of building, other structure or premises from compliance with the regulations or any provision thereof, and attaching terms and conditions to such exemptions;

(j) adopting by reference, in whole or in part, with such changes as the Lieutenant Governor in Council considers necessary, any code or standard and requiring compliance with any code or standard that is so adopted;

(k) prescribing forms and providing for their use.

Limitation
of
application

(2) Any regulation made under this section may be limited in its application territorially or to any class of building, other structure or premises or to any building, other structure or premises used for any specified purpose.

Fire code
does not
apply
R.S.O. 1980,
c. 51

(3) The fire code does not apply to a building that is under construction within the meaning of the *Building Code Act*.

Municipal
by-laws
superseded

(4) The fire code supersedes all municipal by-laws respecting fire safety standards for buildings and other structures and premises.

Offence

(5) Every person who contravenes any provision of the fire code and every director or officer of a corporation who knowingly concurs in such contravention is guilty of an offence and on conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both.

Idem

(6) Where a corporation is convicted of an offence under subsection (5), the maximum penalty that may be imposed upon the corporation is \$10,000 and not as provided therein.

Application
of certain
subsections
of s. 18

(7) Where a person is convicted of an offence under subsection (5) of this section, subsections (15), (16), (17), (18) and (22) apply with necessary modifications as if the conviction were made under subsection (14) of that section.

Idem

(8) Where a person is contravening any provision of the fire code, subsections 18 (20) and (21) apply with necessary modifications as if the person were not complying with an order made by an officer.

ss. 18b, 18c,
enacted

(2) The said Act is further amended by adding thereto the following sections:

Fire Code
Commission
established

18b.—(1) The Fire Code Commission is established, composed of such number of members as is determined by the Lieutenant Governor in Council.

Appointment
of members

(2) The Lieutenant Governor in Council shall appoint the members to the Commission, none of whom shall be persons in the public service of Ontario or of a municipality, and may

designate one of the members as chairman and one or more of the members as vice-chairmen.

(3) The members of the Commission shall receive such remuneration and expenses as the Lieutenant Governor in Council may determine. Remuneration

(4) Three members of the Commission constitute a quorum. Quorum

(5) The findings of fact of the Commission pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of the *Statutory Powers Procedure Act*. Evidence

R.S.O. 1980,
c. 484

(6) Members of the Commission shall not participate in a decision of the Commission pursuant to a hearing unless they were present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Commission shall be given unless all members so present participate in the decision. Only members at hearing to participate in decision

(7) Documents and things put in evidence at the hearing shall, upon the request of the person who produced them, be released to him by the Commission within a reasonable time after the matter in issue has been finally determined. Release of documentary evidence

(8) The Lieutenant Governor in Council may make regulations prescribing procedures of the Fire Code Commission. Regulations

18c.—(1) No action or other proceeding for damages lies or shall be instituted against a member of the Fire Code Commission, the Fire Marshal, anyone acting under his authority or an officer for an act or omission by him in good faith in the execution or intended execution of any power or duty under this Act or the regulations. Immunity from actions

(2) Subsection (1) does not relieve the Crown or a municipal corporation of liability in respect of a tort committed by a member of the Fire Code Commission, the Fire Marshal, a person acting under his authority or an officer to which either would otherwise be subject and the Crown or municipal corporation is liable for any such tort as if subsection (1) were not enacted. Liability of Crown and municipality

4. Clauses 25 (f), (g) and (h) of the said Act are repealed.

s. 25 (f-h),
repealed

5.—(1) This Act, except section 2 and subsection 3 (2), comes into force on the day it receives Royal Assent. Commencement

- Idem (2) Section 2 and subsection 3 (2) come into force on a day to be named by proclamation of the Lieutenant Governor.
- Short title **6.** The short title of this Act is the *Fire Marshals Amendment Act, 1981*.

CHAPTER 9

**An Act to amend
the Ontario Unconditional Grants Act***Assented to June 26th, 1981*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause 1 (1) (b) of the *Ontario Unconditional Grants Act*, being chapter 359 of the Revised Statutes of Ontario, 1980, is amended by striking out "revised" in the fifteenth line and inserting in lieu thereof "returned". s. 1 (1) (b),
amended
2. Paragraphs 3 and 4 of section 2 of the said Act are repealed and the following substituted therefor: s. 2,
pars. 3, 4,
re-enacted
 3. \$17 per capita where a regional municipality is deemed to be a city for the purposes of the *Police Act*. R.S.O. 1980,
c. 381
 4. \$12 per capita based on the population of each area municipality providing its own law enforcement by maintaining its own police force or being under contract for the policing of the municipality by the Ontario Provincial Police Force in accordance with the *Police Act*.
3. Clauses 3 (c) and (d) of the said Act are repealed and the following substituted therefor: s. 3 (c, d),
re-enacted
 - (c) \$17 where a regional municipality is deemed to be a city for the purposes of the *Police Act*; or
 - (d) \$12 in relation to each area municipality to which paragraph 4 of section 2 applies.
4. Subsection 4 (3) of the said Act is repealed and the following substituted therefor: s. 4 (3),
re-enacted

Idem

(3) In each year, payments of \$12 per capita shall be made to each municipality providing its own law enforcement by maintaining its own police force, or being under contract for the policing of the municipality by the Ontario Provincial Police Force in accordance with the *Police Act*.

R.S.O. 1980,
c. 381s. 6,
amended

5. Section 6 of the said Act is amended by striking out "revised" in the seventh line and inserting in lieu thereof "returned".

s. 7 (1) (e),
amended

- 6.—(1) Clause 7 (1) (e) of the said Act is amended by striking out "revised" in the third line and inserting in lieu thereof "returned".

s. 7 (4),
amended

- (2) Subsection 7 (4) of the said Act is amended by striking out "revised assessment roll as equalized by the Ministry of Revenue" in the tenth and eleventh lines and inserting in lieu thereof "returned assessment roll as equalized in accordance with the factor by which the last revised assessment roll of the lower tier municipality was equalized for apportionment purposes in the year 1979".

s. 8,
re-enacted

7. Section 8 of the said Act is repealed and the following substituted therefor:

Resource
equalization
grants

8.—(1) In each year there shall be paid a resource equalization grant in respect of each lower tier municipality whose equalized assessment per capita in the preceding year as is determined in the prescribed manner is below such standard equalized assessment per capita as may be prescribed, and the amount of the grant shall be based, in the manner and subject to such limits as may be prescribed, on the proportion that 60 per cent of such deficiency of equalized assessment per capita bears to the prescribed standard equalized assessment per capita as applied to the net levy of the lower tier municipality.

Payment
of grants

(2) A grant payable under subsection (1) shall be paid to the lower tier municipality in respect of which it was determined and to the upper tier municipality within which that lower tier municipality is situate, in the proportion prescribed, and the portion of the grant payable to the upper tier municipality in that year shall be credited by the upper tier municipality to its general funds.

Limiting
shifts in
taxation

(3) For the purposes of limiting shifts in taxation caused by a change in the resource equalization grant formula as prescribed in subsection (1), the Lieutenant Governor in Council may, by regulation, provide for the payment of grants on such terms and

conditions as set out in the regulation to lower tier municipalities and to upper tier municipalities which would otherwise experience increases in taxation by reason of a revised resource equalization grant formula.

(4) In each year, the clerk of every lower tier municipality that will receive a resource equalization grant in the current year shall provide, on or before the 15th day of March, to the upper tier municipality, a statement of the total estimated resource equalization grant for the current year with a determination of the estimated entitlement payable to the upper tier municipality.

Notification
by clerk

(5) The clerk of every lower tier municipality upon receiving notice from the Ministry of the amount of resource equalization grant shall provide to the upper tier municipality a statement of the total grant and the portion payable to the upper tier municipality.

Idem

8. Subsection 9 (1) of the said Act is repealed and the following substituted therefor:

s. 9 (1),
re-enacted

(1) For the purposes of apportioning the amounts required for a district home established under the *Homes for the Aged and Rest Homes Act* or a district welfare administration board, established under the *District Welfare Administration Boards Act*, the equalized assessment of a lower tier municipality shall be increased by an amount that would have produced the amount of the resource equalization grant entitlement in the preceding year by the taxation of real property at the rate determined by dividing the total taxes levied for all purposes, other than school purposes, on commercial assessment in the preceding year, by the total equalized commercial assessment for the preceding year, times 1,000.

Where
equalized
assessment
of lower tier
municipality
to be
increased
R.S.O. 1980,
cc. 203, 122

9. The said Act is amended by adding thereto the following section:

s. 9a,
enacted

9a.—(1) Notwithstanding the provisions of any general or special Act, for purposes of limiting shifts in taxation caused by a change in equalization factors resulting from a new determination under section 55 of the *Assessment Act*, the Lieutenant Governor in Council may, each year by regulation, prescribe an alternative basis on which apportionments, levies and requisitions are to be made by the councils of upper and lower tier municipalities and by any local board, or class thereof, as are specified in the regulation, and the regulation may be retrospective in effect.

Alternative
basis on
which
apportion-
ments,
etc., made
R.S.O. 1980,
c. 31

(2) For purposes of limiting shifts in taxation caused by change in the apportionment formula as prescribed in subsection

Limiting
shifts
in taxation

(1), or caused by change in equalization factors resulting from a new determination under section 55 of the *Assessment Act*, the Lieutenant Governor in Council may in each year by regulation provide for the payments of grants on such terms and conditions as are set out in the regulation, to lower tier municipalities and to upper tier municipalities which would otherwise experience increases in taxation by reason of a revised apportionment formula or change in their equalization factor, and the regulation may be retrospective in effect.

Moneys

(3) The moneys required for the purposes of subsection (2) shall be paid out of the moneys appropriated therefor by the Legislature.

Commence-
ment

10. This Act shall be deemed to have come into force on the 31st day of January, 1981.

Short title

11. The short title of this Act is the *Ontario Unconditional Grants Amendment Act, 1981*.

CHAPTER 10

**An Act to authorize the
Raising of Money on the Credit of the
Consolidated Revenue Fund**

Assented to June 26th, 1981

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The Lieutenant Governor in Council is hereby authorized to raise from time to time by way of loan in any manner provided by the *Financial Administration Act* such sum or sums of money as are considered necessary for discharging any indebtedness or obligation of Ontario, for making any payments authorized or required by any Act to be made out of the Consolidated Revenue Fund or for reimbursing the Consolidated Revenue Fund for any moneys expended for any of such purposes, provided that the principal amount of any securities issued and temporary loans raised under the authority of this Act shall not exceed in the aggregate \$1,900,000,000.

Loans up to
\$1,900,000,000

R.S.O. 1980,
c. 161

(2) The sum of money authorized to be raised by subsection (1) for the purposes mentioned therein shall include the principal amounts of Province of Ontario debentures issued to the Teachers' Superannuation Fund under authority of the *Teachers' Superannuation Act* and to the Ontario Municipal Employees Retirement Fund under authority of the *Ontario Municipal Employees Retirement System Act*, but shall be in addition to all sums of money authorized to be raised by way of loan under any other Act.

Idem

R.S.O. 1980,
cc. 494, 348

2. No money shall be raised by way of loan under subsection 1 (1) except to the extent authorized by order of the Lieutenant Governor in Council made prior to the 30th day of September, 1982.

Limitation

3. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

4. The short title of this Act is the *Ontario Loan Act, 1981*.

Short title

CHAPTER 11

An Act to amend the Gasoline Tax Act

Assented to June 26th, 1981

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of the *Gasoline Tax Act*, being chapter 186 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clause: s. 1,
amended

(ja) "taxable price per litre" of any grade or type of gasoline designated by the Minister means the price per litre from time to time prescribed by the Minister as the taxable price per litre of that grade or type of gasoline for such period of time as the Minister may prescribe, and in determining the taxable price per litre of any grade or type of gasoline, the Minister shall use the median price obtained by him from such periodic sampling as he considers appropriate of the retail prices (excluding the tax imposed by this Act) of gasoline in such part or parts of Ontario as he shall direct a sample to be taken, provided that no change in the taxable price per litre of gasoline from time to time in effect shall come into force until at least two days after the filing of a regulation prescribing a different taxable price per litre of any grade or type of gasoline.

2. Subsections 2 (1) and (2) of the said Act are repealed and the following substituted therefor: s. 2 (1, 2),
re-enacted

(1) Every purchaser of gasoline shall, for all gasoline purchased, or delivery of which is received, by him, pay to the Treasurer a tax at the rate of 20 per cent of the taxable price per litre applicable to the grade or type of gasoline so purchased or delivered, and until a taxable price per litre is prescribed by the Minister in accordance with this Act, every purchaser of gasoline shall pay to the Treasurer a tax at the rate of, Tax payable
by purchaser
of gasoline

(a) 5.4 cents per litre of regular leaded gasoline;

(b) 5.8 cents per litre of regular unleaded gasoline; and

(c) 6 cents per litre of premium leaded or unleaded gasoline,

purchased, or delivery of which is received, by him.

Tax on
aviation fuel

R.S.O. 1980,
c. 300

(2) Every purchaser of aviation fuel shall, for all aviation fuel purchased, or delivery of which is received, by him, pay to the Treasurer a tax at the rate of 5.13 per cent of the taxable price per litre of fuel from time to time prescribed for the purposes of the *Motor Vehicle Fuel Tax Act*, and until a taxable price per litre of fuel is prescribed by the Minister in accordance with the *Motor Vehicle Fuel Tax Act*, every purchaser of aviation fuel shall pay to the Treasurer a tax at the rate of 1.32 cents per litre of aviation fuel purchased, or delivery of which is received, by him.

Idem

(2a) The tax imposed by this Act shall not be increased or reduced by reason of the fact that the price or consideration paid or given by a purchaser for gasoline or aviation fuel is different from the taxable price per litre of that gasoline or aviation fuel.

s. 32 (c, g, j),
repealed

3.—(1) Clauses 32 (c), (g) and (j) of the said Act are repealed.

s. 32,
amended

(2) Section 32 of the said Act is amended by adding thereto the following subsections:

Idem

(2) The Minister may make regulations,

(a) prescribing any form that is required by this Act or the regulations or that, in his opinion, will assist in the administration of this Act, and prescribing how and by whom any form shall be completed and what information it shall contain;

(b) prescribing the returns and statements to be made by importers, manufacturers, wholesalers, retailers and purchasers of gasoline or aviation fuel, the information to be given in such returns and statements and by whom and in what manner they shall be made, and prescribing the records to be kept by such persons;

(c) providing for the refund of the tax paid under this Act or any portion thereof, to any purchaser or class of purchasers, and prescribing the records and material to be furnished upon any application for a refund;

(d) prescribing the taxable price per litre of gasoline to be in effect from time to time, the period of time for which

such price shall be in effect, and designating grades or types of gasoline and the taxable price per litre applicable to any such grade or type;

(e) fixing to the nearest tenth of a cent the tax per litre of gasoline to be paid under this Act as a result of the prescribing from time to time of a taxable price per litre of gasoline in accordance with clause (d);

(f) fixing to the nearest hundredth of a cent the tax per litre of aviation fuel to be paid under this Act as a result of the prescribing from time to time of a taxable price per litre of fuel in accordance with clause 29 (3) (b) of the *Motor Vehicle Fuel Tax Act*.

R.S.O. 1980,
c. 300

(3) A regulation, other than a regulation prescribing the taxable price per litre of any grade or type of gasoline, is, if it so provides, effective with reference to a period before it was filed. Retroactivity

4. This Act shall be deemed to have come into force on the 20th day of May, 1981. Commence-
ment

5. The short title of this Act is the *Gasoline Tax Amendment Act, 1981*. Short title

CHAPTER 12

**An Act to amend
the Motor Vehicle Fuel Tax Act***Assented to June 26th, 1981*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of the *Motor Vehicle Fuel Tax Act*, being chapter 300 of the Revised Statutes of Ontario, 1980 is amended by adding thereto the following clause: s. 1,
amended

(ha) "taxable price per litre" of fuel means the price per litre from time to time prescribed by the Minister as the taxable price per litre of fuel for such period of time as the Minister may prescribe, and in determining the taxable price per litre of fuel, the Minister shall use the median price obtained by him from such periodic sampling as he considers appropriate of the retail prices (excluding the tax imposed by this Act) of fuel in such part or parts of Ontario as he shall direct a sample to be taken, provided that no change in the taxable price per litre of fuel from time to time in effect shall come into force until at least two days after the filing of a regulation prescribing a different taxable price per litre of fuel.

2. Section 2 of the said Act is amended by adding thereto the following subsection: s. 2,
amended

(1a) No person who is a registrant shall, until he has collected tax thereon at the rate provided for in this Act, supply or deliver fuel, Obligation
of
registrant

(a) into the tank, other than the fuel tank, of any motor vehicle used for the carriage or transportation of the fuel in bulk and operated by or on behalf of a person who is not a registrant; or

(b) into a storage tank controlled or owned by a person who is not a registrant and who the registrant has

reasonable grounds to suspect is acquiring the fuel for resale in any manner.

s. 3 (1, 2),
re-enacted

- 3.** Subsections 3 (1) and (2) of the said Act are repealed and the following substituted therefor:

Tax

(1) Every purchaser shall pay to the Treasurer a tax at the rate of 27 per cent of the taxable price per litre on each litre of fuel received or used in Ontario by him to generate power in a motor vehicle other than railway equipment, and shall, on each litre of fuel received or used in Ontario by him to propel railway equipment on rails where such equipment is operated in connection with and as part of a public transportation system, pay to the Treasurer a tax at the rate of 8.37 per cent of the taxable price per litre of such fuel, and until a taxable price per litre of fuel is prescribed in accordance with this Act, every purchaser shall pay to the Treasurer a tax at the rate of 7 cents per litre on all fuel received or used in Ontario by him to generate power in a motor vehicle other than railway equipment and shall pay a tax at the rate of 2.2 cents per litre on all fuel received or used in Ontario by him to propel railway equipment on rails where such equipment is operated in connection with and as part of a public transportation system.

Idem

(2) Every registrant shall pay to the Treasurer a tax at the rate of 27 per cent of the taxable price per litre on each litre of fuel used by him to generate power in a motor vehicle other than railway equipment, and shall, on each litre of fuel used by him to propel railway equipment on rails where such equipment is operated in connection with and as part of a public transportation system, pay to the Treasurer a tax at the rate of 8.37 per cent of the taxable price per litre of such fuel, and until a taxable price per litre of fuel is prescribed in accordance with this Act, every registrant shall pay to the Treasurer a tax at the rate of 7 cents per litre on all fuel used by him to generate power in a motor vehicle other than railway equipment and shall pay a tax at the rate of 2.2 cents per litre on all fuel used by him to propel railway equipment on rails where such equipment is operated in connection with and as part of a public transportation system.

Idem

(2a) The tax imposed by this Act shall not be increased or reduced by reason of the fact that the price or consideration paid or given by a purchaser or registrant for fuel is different from the taxable price per litre of that fuel.

s. 6 (1),
amended

- 4.** Subsection 6 (1) of the said Act is amended,

- (a) by striking out "and" at the end of clause (b); and
- (b) by adding thereto the following clauses:

- (d) the quantity of fuel sold to the purchaser; and
- (e) the date of sale.

5. Subsection 29 (3) of the said Act is repealed and the following substituted therefor: s. 29 (3),
re-enacted

(3) The Minister may make regulations,

Idem

- (a) prescribing any form that is required by this Act or the regulations or that, in his opinion, will assist in the administration of this Act, and prescribing how and by whom any form shall be completed and what information it shall contain;
- (b) prescribing the taxable price per litre of fuel to be in effect from time to time and the period of time for which such price shall be in effect;
- (c) fixing to the nearest tenth of a cent the tax per litre of fuel to be paid under this Act as a result of the prescribing from time to time of a taxable price per litre in accordance with clause (b).

6.—(1) This Act, except sections 1, 3, 4 and 5, comes into force on the day it receives Royal Assent. Commence-
ment

(2) Sections 1, 3, 4 and 5 shall be deemed to have come into force on the 20th day of May, 1981. *Idem*

7. The short title of this Act is the *Motor Vehicle Fuel Tax Amendment Act, 1981*. Short title

CHAPTER 13

An Act to amend the Income Tax Act

Assented to June 26th, 1981

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 (5) of the *Income Tax Act*, being chapter 213 of the Revised Statutes of Ontario, 1980, is amended, s. 3 (5), amended

(a) by striking out "and" at the end of clause (h); and

(b) by adding thereto the following clauses:

(j) 46 per cent in respect of the 1981 taxation year;
and

(k) 48 per cent in respect of the 1982 taxation year.

2. Section 6 of the said Act is repealed and the following substituted therefor: s. 6, re-enacted

6.—(1) Where the taxable income of an individual for a taxation year does not exceed the amount prescribed for the purpose of this subsection for a particular taxation year, no tax is payable under this Act by the individual for the taxation year. No tax payable

(2) Where the taxable income of an individual for a taxation year exceeds the amount prescribed for the purpose of subsection (1) for a particular taxation year, but does not exceed the amount prescribed for the purpose of this subsection for that taxation year, the tax payable under this Act (after the deduction authorized by subsection 3 (8) and before any deduction authorized by subsection 7 (2) or (6) may be reduced by an amount equal to one-half of the amount by which the amount prescribed for the purpose of this subsection exceeds the individual's taxable income for the taxation year. Tax reduction

(3) For the purpose of this section, the amount prescribed for the purpose of subsection (1) for the 1981 taxation year is \$1,874 Amount prescribed for 1981 taxation year

and the amount prescribed for the purpose of subsection (2) for the 1981 taxation year is \$2,058.

s. 7 (1) (a),
re-enacted

3.—(1) Clause 7 (1) (a) of the said Act is repealed and the following substituted therefor:

(a) “housing unit” includes,

- (i) subject to subclauses (ii) and (iii), any premises that an individual ordinarily occupies and inhabits as his residence in the taxation year.

but does not include,

- (ii) premises that are part of a chronic care facility or other similar institution that is prescribed, or that are part of any charitable institution, home for special care, home for the aged, public nursing home or private nursing home, or
- (iii) premises, except any students’ residence that is prescribed under subsection (4), during such time in a taxation year as,

(A) such premises are exempt from the payment of taxes levied under the *Provincial Land Tax Act*, the *Local Roads Boards Act* or taxes for municipal and school purposes levied in respect of real property in Ontario that is assessed as residential or farm property, or

(B) the owner does not pay a grant equal to the full amount of the taxes described in sub-subclause (A) that would, if such premises were not exempt, be payable or a grant equal to an amount prescribed by the Minister in respect of such premises or class of premises,

except when such excluded premises are occupied and inhabited by an individual of a class prescribed for the purpose of this clause.

s. 7 (1) (f),
amended

(2) Clause 7 (1) (f) of the said Act is amended,

- (a) by striking out that portion of the said clause immediately preceding subclause (i) and inserting in lieu thereof,

“principal taxpayer” means an individual who, on the 31st day of December in the taxation year, occupies and inhabits a principal residence except when that individual, on the 31st day of December in the taxation year, occupies and inhabits a principal residence with his spouse, in which case, “principal taxpayer” means that spouse who has the higher taxable income for the taxation year, but “principal taxpayer” does not include any individual who died at any time in the taxation year or who, on the 31st day of December in the taxation year was,

and;

(b) by striking out “or” at the end of subclause (v), by adding “or” at the end of subclause (vi) and by adding thereto the following subclause:

(vii) an individual who has been lawfully admitted to Canada on a temporary basis for the specific purpose of attending any university, college or other educational institution.

(3) Subsection 7 (2) of the said Act is repealed and the following substituted therefor: s. 7 (2).
re-enacted

(2) Every individual resident in Ontario on the 31st day of December in the taxation year may deduct from the tax otherwise payable by him, under this Act the amount not in excess of \$500 by which the aggregate of the tax credits that are described in clauses (a) and (b) and to which he is entitled exceeds 2 per cent of his taxable income for the taxation year, Tax
credits

(a) where the individual is a principal taxpayer, a tax credit equal to the sum of,

(i) the lesser of his occupancy cost for the taxation year or \$180, and

(ii) an amount equal to 10 per cent of his occupancy cost for the taxation year; and

(b) a tax credit of an amount equal to 1 per cent of the total of those deductions that are authorized by section 109 of the Federal Act and that have been claimed by the individual entitled to claim them in his return filed in

accordance with the Federal Act, but the tax credit described in this clause may not be claimed by an individual,

- (i) who died during the taxation year or who, on the 31st day of December in the taxation year, is an individual described in subclause (1) (f) (i), (iii), (iv), (v) or (vii),
- (ii) with respect to whom any other taxpayer resident in Canada on the 31st day of December in the taxation year has, in computing his taxable income under the Federal Act, claimed in his return filed in accordance with that Act a deduction authorized by paragraph 109 (1) (a), (b), (d), (e), (f) or (g) of that Act for any portion of the taxation year, or
- (iii) who, on the 31st day of December in the taxation year, is an individual entitled to receive in respect of the taxation year a grant under section 7 of the *Ontario Pensioners Property Tax Assistance Act*.

R.S.O. 1980,
c. 352

s. 7 (5),
repealed

(4) Subsection 7 (5) of the said Act is repealed.

s. 7 (11),
amended

(5) Subsection 7 (11) of the said Act is amended by striking out "last day of" in the second and third lines and inserting in lieu thereof "31st day of December in".

s. 7,
amended

(6) Section 7 of the said Act is amended by adding thereto the following subsections:

Separation
in year

(11a) Notwithstanding clause (1) (d) or subclause (1) (f) (vi), where, in any taxation year, an individual separates from a spouse who, on the 31st day of December in such taxation year, is an eligible person, as defined by the *Ontario Pensioners Property Tax Assistance Act*, pursuant to a separation agreement as defined in that Act, such individual shall be deemed to be a principal taxpayer but his occupancy cost for such taxation year shall include only that occupancy cost that is attributable to the portion of the taxation year subsequent to such separation.

Marriage
in year

(11b) Notwithstanding subclause (1) (f) (vi), where, in the taxation year, an individual marries a person who, on the 31st day of December in such taxation year, is an eligible person, as defined by the *Ontario Pensioners Property Tax Assistance Act*, such individual shall be deemed to be a principal taxpayer, but his occupancy cost for such taxation year shall include only that occupancy cost that is attributable to the portion of the taxation

year prior to such marriage and that is not included in the occupancy cost of the spouse who is an eligible person.

4. Subsection 21 (2) of the said Act is amended by striking out "or" at the end of clause (b) and by adding thereto the following clauses: ^{s. 21 (2), amended}

(d) any deduction under subsection 7 (2) or (6); or

(e) the application of any amount pursuant to subsection 7 (7).

- 5.—(1) This Act, except sections 1, 2 and 3, comes into force on the day it receives Royal Assent. <sup>Commence-
ment</sup>

(2) Sections 1, 2 and 3 shall be deemed to have come into force on the 1st day of January, 1981. ^{Idem}

6. The short title of this Act is the *Income Tax Amendment Act*, 1981. ^{Short title}

CHAPTER 14

**An Act to amend the Ontario Pensioners
Property Tax Assistance Act***Assented to June 26th, 1981*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Clause 1 (e) of the *Ontario Pensioners Property Tax Assistance Act*, being chapter 352 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

(e) “housing unit” includes,

- (i) subject to subclauses (ii) and (iii), any premises that an individual ordinarily occupies and inhabits as his residence in the year,

but does not include,

- (ii) premises that are part of a chronic care facility or other similar institution that is prescribed, or that are part of any charitable institution, home for special care, home for the aged, public nursing home, or private nursing home, or

- (iii) premises, during such time in the year as,

- (A) such premises are exempt from the payment of taxes levied under the *Provincial Land Tax Act*, the *Local Roads Boards Act* or taxes for municipal and school purposes levied in respect of real property in Ontario that is assessed as residential or farm property, or

R.S.O. 1980,
cc. 399, 251

- (B) the owner does not pay a grant equal to the full amount of the taxes described in sub-subclause (A) that would, if such

premises were not exempt, be payable or a grant equal to an amount prescribed by the Minister in respect of such premises or class of premises.

s. 1 (h) (ii) (B),
re-enacted

- (2) Sub-subclause 1 (h) (ii) (B) of the said Act is repealed and the following substituted therefor:

(B) rent paid or agreed to be paid in the year to which the application relates for occupation of a principal residence of the applicant where such rent is paid or agreed to be paid by or on behalf of the applicant or his spouse and is calculated to exclude all payments on account of meals or board and all payments of rent for occupation prior to the 1st day of January, 1980.

s. 3,
amended

2. Section 3 of the said Act is amended by adding thereto the following subsection:

Marriage
in year

(4) Notwithstanding subsection (1) or (3), where a husband and wife who are both eligible persons make an application for a grant as a family unit in respect of the year in which they marry, a further application for a grant may be made by one of the spouses in respect of his occupancy cost in that year prior to marriage and, provided that such occupancy cost is not included in the application made for that year by the family unit, the Minister may pay such grant under section 2.

s. 7,
amended

3. Section 7 of the said Act is amended by adding at the commencement thereof "Subject to section 8".

s. 8,
re-enacted

4. Section 8 of the said Act is repealed and the following substituted therefor:

Death
in year

8.—(1) An eligible person who dies is, with respect to the year of his death, entitled to,

- (a) that portion of a grant paid to him under subsection 2 (3) without an application, by a cheque that is dated on, or prior to, the date of his death; and
- (b) a grant paid under section 7 by a cheque that is dated on, or prior to, the date of his death,

and, if he is alive on the earlier of the dates shown on an application completed by him for a grant under section 2 or the date upon which such application is received by the Minister, he is entitled to the balance of the grant payable under section 2 in respect of the year in which he died.

(2) Where, in any year, as a result of subsection (1), an eligible person is entitled to only a portion of a grant under section 2, there shall be deducted from any grant to be paid to the surviving spouse of such eligible person for that year, the portion of the grant that such eligible person was paid. Surviving spouse

(3) An eligible person is, with respect to the year in which he ceases to be ordinarily resident in Ontario, entitled to, Ceasing to be ordinarily resident in Ontario

- (a) that portion of a grant paid to him under subsection 2 (3) without an application, by a cheque that is dated on or prior to the date upon which he ceases to be ordinarily resident in Ontario; and
- (b) a grant paid under section 7 by a cheque that is dated on, or prior to, the date upon which he ceases to be ordinarily resident in Ontario,

and, if he is ordinarily resident in Ontario on the date upon which his completed application for a grant under section 2 is received by the Minister, he is entitled to the balance of the grant payable under section 2 in respect of the year in which he ceases to be ordinarily resident in Ontario.

5.—(1) Section 9 of the said Act is amended by adding thereto the following subsection: s. 9, amended

(2a) Where the Minister has determined that a person is not entitled to a grant or any amount referred to in subsection 14 (1), he shall, when requesting repayment thereof, inform the person of the reason for his decision and of his right to object in accordance with this section. Reason for request for repayment

(2) Subsection 9 (3) of the said Act is amended by striking out "an applicant" in the first line and inserting in lieu thereof "a person". s. 9 (3), amended

6. This Act shall be deemed to have come into force on the 20th day of May, 1981. Commencement

7. The short title of this Act is the *Ontario Pensioners Property Tax Assistance Amendment Act, 1981*. Short title

CHAPTER 15

An Act to amend the Planning Act

Assented to June 26th, 1981

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 29 of the *Planning Act*, being chapter 379 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following subsections:
 - (16a) No order made under the *Partition Act* for the partition of land shall have any effect in law unless,
 - (a) irrespective of the order, each part of the land described in the order could be conveyed without contravening this section; or
 - (b) a consent is given to the order.
 - (16b) This section does not apply to an agreement entered into under section 2 of the *Drainage Act*.
2. Section 37 of the said Act is repealed.
- 3.—(1) Subsection 49 (3) of the said Act is repealed and the following substituted therefor:
 - (3) In addition to its powers under subsections (1) and (2) and subject to section 31, the committee, upon the application of,
 - (a) the owner of any land or any person authorized in writing by such owner; or
 - (b) any person interested in any part of land that is affected by an order made under the *Partition Act*, as mentioned in subsection 29 (16a),

s. 29,
amended

Order made
under
R.S.O. 1980,
c. 369

Exception
R.S.O. 1980,
c. 126

s. 37,
repealed

s. 49 (3),
re-enacted

Power of
committee
to give
consent

R.S.O. 1980,
c. 369

may, notwithstanding any other Act, give a consent as mentioned in section 29, provided that the committee is satisfied that a plan of subdivision under section 36 of the land described in the

application is not necessary for the proper and orderly development of the municipality.

s. 49 (6),
amended

(2) Subsection 49 (6) of the said Act is amended by striking out “\$50” in the fourth line and inserting in lieu thereof “\$100”.

s. 49 (17),
amended

(3) Subsection 49 (17) of the said Act is amended by adding at the end thereof “and there is no right to file a petition under section 94 of the *Ontario Municipal Board Act* in respect of the matter”.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. The short title of this Act is the *Planning Amendment Act, 1981*.

CHAPTER 16

An Act to amend the Power Corporation Act

Assented to June 26th, 1981

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Section 1 of the *Power Corporation Act*, being chapter 384 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clauses: s. 1,
amended

(ea) “energy conservation program” means an energy conservation program under sections 56a and 56b;

(eb) “heat energy” means energy that is conveyed in the medium of steam, hot water or hot air and that is produced for sale.

- (2) Clause 1 (i) of the said Act is repealed and the following substituted therefor: s. 1 (i),
re-enacted

(i) “power” means electrical power and includes electrical energy.

2. Section 16 of the said Act is amended by adding thereto the following clause: s. 16,
amended

(ba) such sums as are appropriated by the Corporation for sinking fund purposes out of the revenues received from the sale of heat energy.

3. The said Act is amended by adding thereto the following sections: ss. 56a, 56b,
enacted

56a.—(1) The purposes and business of the Corporation include the provision of energy conservation programs. Energy
conservation
program

(2) The purpose of an energy conservation program is to encourage the safe and efficient use and the conservation of all forms of energy. Purpose of
program

(3) An energy conservation program may provide information, advice and inspection services in respect of the use of all Content of
program

forms of energy and may include, but is not limited to, the following:

1. The safe use of electrical energy.
2. The improvement of a system for the use of electrical energy in a building.
3. The conversion of a space heating system to one based in whole or in part on the use of electrical energy.
4. The improvement of the capacity of a building to retain heat.

Additional
services

(4) An energy conservation program may provide any other service related to the purposes of the program that is considered necessary or advisable from time to time.

Loans
for energy
conservation

56b.—(1) As part of an energy conservation program, the Corporation may loan such money as the Corporation determines in order to assist in the doing of work or the acquisition and installation of equipment and material in accordance with the energy conservation program.

Terms and
conditions

(2) A loan under this section may be made upon such terms and conditions, including terms and conditions in respect of certification of work, security, repayment, costs of recovery and interest, as the Corporation determines.

Conversion
of heating
system

(3) The Corporation shall not loan money under this section to assist in the conversion of a space heating system to a system other than one based in whole or in part on the use of electrical energy.

ss. 56c-56f,
enacted

4. The said Act is further amended by adding thereto the following sections:

Heat
energy

56c. The purposes and business of the Corporation include the production, sale, supply and delivery of heat energy.

Production,
sale, supply
and delivery
of heat
energy

56d. The Corporation, with the approval of the Lieutenant Governor in Council, may,

- (a) use any of its works to produce heat energy, by the use of any fuel, whether alone or in addition to or in lieu of the use of the works to produce power;
- (b) acquire, construct, maintain and operate equipment, facilities and works for the production, supply and delivery of heat energy; and

- (c) sell, supply and deliver heat energy to a municipal corporation, municipal commission or any other person.

56e. The Corporation may acquire lands by purchase, lease, expropriation or other means for the purpose of carrying out an act approved by the Lieutenant Governor in Council under section 56d. Acquisition of lands re heat energy

56f. Section 72 applies with necessary modifications in respect of the sale, supply and delivery of heat energy and, for the purpose, heat energy shall be deemed to be power. Application of s. 72

5. Subsection 57 (4) of the said Act is amended by inserting after "power" in the sixth line "or of any source of energy". s. 57 (4), amended

6. The said Act is further amended by adding thereto the following section: s. 73a, enacted

73a.—(1) Where moneys are owing to the Corporation in respect of a loan made to the owner of real property as part of an energy conservation program, the Corporation may register in the proper land registry office a certificate setting out, Registration of certificate as to unpaid energy conservation loan

(a) the amount owing in respect of the loan, including the rate of interest thereon;

(b) the name of the owner of the real property;

(c) a description of the real property sufficient for registration; and

(d) that the certificate is registered under this section.

(2) Upon the registration of a certificate under subsection (1), the amount owing and interest at the rate set out in the certificate are a lien and charge upon the real property. Lien

(3) Where a certificate has been registered under subsection (1) and the moneys owing to the Corporation, as set out in the certificate, are not paid in accordance with the terms and conditions of the loan, the Corporation may transmit to the clerk of the municipality in which the real property is situate a statement setting out the information contained in the certificate and the registration number of the certificate. Statement to clerk of municipality

(4) Upon receipt of the statement, the clerk of the municipality shall enter the amount in the collector's roll and the amount shall be collected by the same procedure as municipal taxes on land, and upon collection the amount and the interest collected thereon shall be paid over to the Corporation. Collection

Sale of
realty

(5) The duty and power under subsection (4) to collect the amount entered in the collector's roll includes, without limiting any other power, the power to sell the real property and to collect interest and costs by the same procedure as for arrears of taxes.

Certificate
as to
payment

(6) Upon repayment of the moneys owing to the Corporation, including interest, as set out in the certificate, the Corporation upon request shall transmit to the owner of the real property a certificate sufficient for registration showing the repayment.

Discharge
of lien

(7) The lien is discharged by the registration of the certificate of the Corporation showing the repayment of the moneys owing to the Corporation.

Termination
of supply
of power

(8) The Corporation shall not terminate the supply of power to a customer for the purpose or as a means of enforcing repayment of a loan made as part of an energy conservation program.

s. 75,
amended

7. Section 75 of the said Act is amended by adding thereto the following clause:

(aa) the cost of an energy conservation program.

s. 95a,
enacted

8. The said Act is further amended by adding thereto the following section:

Energy
conservation
program
is current
operating
cost

95a. The cost of an energy conservation program to a municipal corporation or municipal commission shall be deemed to be a current operating expense of the municipal corporation or municipal commission.

COMPLEMENTARY AMENDMENT

R.S.O. 1980,
c. 423, s. 18a,
enacted

9. The *Public Utilities Act*, being chapter 423 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section:

Interpre-
tation
R.S.O. 1980,
c. 384

18a.—(1) In this section, "energy conservation program" has the same meaning as in the *Power Corporation Act*.

Energy
conservation
program

(2) The corporation of a municipality, as principal or as agent for Ontario Hydro, may provide, arrange for or participate in the provision of an energy conservation program in the municipality.

Limitation

(3) Subsection (2) does not apply to authorize the corporation of a municipality to loan money out of its own funds as part of an energy conservation program.

Commence-
ment

10. This Act comes into force on the day it receives Royal Assent.

- 11.** The short title of this Act is the *Power Corporation Amendment Act, 1981*. Short title

CHAPTER 17

An Act to amend the Registry Act

Assented to June 26th, 1981

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 51 (6) of the *Registry Act*, being chapter 445 of the Revised Statutes of Ontario, 1980, is amended by inserting after “shall” in the fourth line “within a reasonable time”. s. 51 (6), amended
- (2) Section 51 of the said Act is amended by adding thereto the following subsections: s. 51, amended
 - (8) Where the land registrar is satisfied that a registered instrument purporting to discharge a mortgage validly discharges the land described in the mortgage, or that part of the land described in the discharging instrument, from any claim arising under the mortgage or under any other instrument relating exclusively thereto, the land registrar shall delete from the abstract index the entry of the mortgage and any other instrument relating exclusively thereto. Deletion of entries from abstract index
 - (9) Notwithstanding subsection (8), the land registrar shall not delete the entry of an instrument in the abstract index for a lot or part of a lot unless he is satisfied that all the lot or part is free from claims under the instrument. Exception
 - (10) Where the land registrar has deleted from the abstract index the entry of a mortgage under subsection (8), the land described in the mortgage, or that part of the land described in the discharging instrument, as the case may be, is not affected by any claim under the mortgage or under any other instrument relating exclusively thereto. Effect of deletion
 - (11) Where it appears from the abstract index that an instrument purporting to be a valid discharge of a mortgage has been registered for ten or more years, and the entry of the mortgage or any other instrument relating exclusively thereto has not been deleted from the abstract index, the land described in the Discharge of mortgage registered for ten years

mortgage or instrument, or that part of the land described in the discharging instrument, as the case may be, is not affected by any claim under the mortgage or instrument or under any instrument relating exclusively thereto.

Application of
subss. (8)-(9)
to instruments
under s. 26

(12) Subsections (8) to (11) apply with necessary modifications to every instrument purporting to discharge an instrument under section 26 and to an instrument under that section.

s. 62 (1),
repealed

2. Subsection 62 (1) of the said Act is repealed.

s. 71 (2),
amended

3. Subsection 71 (2) of the said Act is amended by inserting after "recording" in the second line "or deleting".

Part III,
re-enacted

4. Part III of the said Act is repealed and the following substituted therefor:

PART III

INVESTIGATION OF TITLES

Interpre-
tation

104.—(1) In this Part,

- (a) "claim" means a right, title, interest, claim, or demand of any kind or nature whatsoever affecting land set forth in, based upon or arising out of a registered instrument, and, without limiting the generality of the foregoing, includes a mortgage, lien, easement, agreement, contract, option, charge, annuity, lease, dower right, and restriction as to the use of land or other encumbrance affecting land;
- (b) "notice of claim" means a notice of claim registered under subsection 106 (2) and includes a notice registered under a predecessor of this Part or under *The Investigation of Titles Act*, being chapter 193 of the Revised Statutes of Ontario, 1960, or a predecessor thereof;
- (c) "notice period" means the period ending on the day forty years after the day of the registration of an instrument or a notice of claim, as the case may be;
- (d) "owner" means a person, other than a lessee or a mortgagee, entitled to a freehold or other estate or interest in land at law or in equity, in possession, in futurity or in expectancy;
- (e) "title search period" means the period of forty years described in subsection 105 (1).

(2) A claim referred to in clause 106 (5) (a) or (b) is not confined to a claim under a registered instrument.

Claims under
unregistered
instruments

105.—(1) A person dealing with land shall not be required to show that he is lawfully entitled to the land as owner thereof through a good and sufficient chain of title during a period greater than the forty years immediately preceding the day of such dealing, except in respect of a claim referred to in subsection 106 (5).

Title
search
period

(2) Where there has been no conveyance, other than a mortgage, of the freehold estate registered within the title search period, the chain of title commences with the conveyance of the freehold estate, other than a mortgage, most recently registered before the commencement of the title search period.

Deemed
commencement
of chain
of title

(3) A chain of title does not depend upon and is not affected by any instrument registered before the commencement of the title search period except,

Instruments
registered
prior to
title search
period not
effective

(a) an instrument that, under subsection (2), commences the chain of title;

(b) an instrument in respect of a claim for which a valid and subsisting notice of claim was registered during the title search period; and

(c) an instrument in relation to any claim referred to in subsection 106 (5).

106.—(1) A claim that is still in existence on the last day of the notice period expires at the end of that day unless a notice of claim has been registered.

Expiry
of claims

(2) A person having a claim that is not barred by this Part, or a person on his behalf, may register a notice of claim in the prescribed form,

Notice
of claim

(a) at any time within the notice period; or

(b) at any time after the expiration of the notice period but before the registration of any conflicting claim.

(3) A notice of claim may be renewed from time to time by the registration of a notice of claim in accordance with subsection (2).

Renewal

(4) Subject to subsection (7), when a notice of claim has been registered, the claim affects the land for the notice period of the notice of claim.

Effect of
notice of
claim

Exceptions

(5) This Part does not apply to,

(a) a claim,

(i) of the Crown reserved by letters patent,

(ii) of the Crown in unpatented land or in land for which letters patent have been issued, but which has reverted to the Crown by forfeiture or cancellation of letters patent, or in land that has otherwise reverted to the Crown,

(iii) of the Crown or a municipality in a public highway or lane,

(iv) of a person to an unregistered right of way or other easement or right that the person is openly enjoying and using;

(b) a claim arising under any Act; or

(c) a claim of a corporation authorized to construct or operate a railway, including a street railway or incline railway, in respect of lands acquired by the corporation after the 1st day of July, 1930, and,

(i) owned or used for the purposes of a right-of-way for railway lines, or

(ii) abutting such right-of-way.

Freehold estates

(6) Subsection (1) does not apply to a claim to a freehold estate in land or an equity of redemption in land by a person continuously shown by the abstract index for the land as being so entitled for more than forty years as long as the person is so shown.

Claims not validated

(7) The registration of a notice of claim does not validate or extend a claim that is invalid or that has expired.

Dower

(8) For the purposes of subsection (1), an instrument by which a husband conveyed land before the 31st day of March, 1978 shall be deemed to be a notice of claim with respect to his wife's dower right.

Repeal

(9) Subsection (8) is repealed on the 31st day of March, 1988.

Conflict

107. Where there is a conflict between any provision of this Part and any provision of Part I or Part II of this Act or of any provision of any other Act or any rule of law, the provision of this Part prevails.

5. The said Act is amended by adding thereto the following Part: Part IV.
enacted

PART IV

COMPENSATION

108.—(1) A person wrongfully deprived of land registered under this Act by reason of, Entitle-
ment to
compen-
sation

(a) the deletion of an entry under section 51 or 62; or

(b) any error or omission in recording a registered instrument,

is entitled to compensation out of The Land Titles Assurance Fund formed under section 57 of the *Land Titles Act*.

R.S.O. 1980,
c. 230

(2) A person is not entitled to any compensation out of The Land Titles Assurance Fund in respect of land registered under this Act unless, Qualifi-
cations

(a) the person has been wrongfully deprived of land for a reason set out in subsection (1);

(b) the person is unable to recover what is just by way of compensation or damages from any person whose act caused the loss or who was privy to any such act; and

(c) the claim for compensation is made within six years from the time the person discovered or ought reasonably to have discovered the deletion, error or omission.

(3) Notwithstanding clause (2) (c), a person under the disability of infancy, mental incompetency or unsoundness of mind may make a claim for compensation under this Part at any time within six years from the day on which the disability ceased but not more than twenty years after the deletion, error or omission occurred. Persons
under
disabilities

(4) Section 26, subsections 60 (5) to (12), section 61 and subsection 161 (3) of the *Land Titles Act* apply, with necessary modifications, to claims for compensation under this Part. Application of
R.S.O. 1980,
c. 230,
ss. 26, 60
(5-12),
61, 161 (3)

109. If, while a deletion or omission of any entry relating to any mortgage or other instrument securing the payment of money is subsisting, an innocent person has acquired an estate, right or interest in the land mentioned in the mortgage or other instrument, and the estate, right or interest of the innocent person is set forth in, is based upon or arises out of an instrument registered before the deletion or omission is corrected, Interests
of innocent
persons

- (a) the estate, right or interest of the innocent person in the land is not affected by any claim under the mortgage or other instrument; and
- (b) the person whose interest under the mortgage or other instrument is extinguished under clause (a) is entitled to compensation under this Part.

Protection
from
personal
liability

110.—(1) No action or other proceeding for damages shall be instituted against any officer or employee of the Ministry of Consumer and Commercial Relations or anyone acting under his authority for any act done in good faith in the execution or intended execution of his duty under this Act, or for any alleged neglect or default in the execution in good faith of his duty under this Act.

Crown
liability
R.S.O. 1980,
c. 393

(2) Subsection (1) does not, by reason of subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*, relieve the Crown of liability in respect of a tort committed by a person mentioned in subsection (1) to which it would otherwise be subject, and the Crown is liable under that Act for any such tort in a like manner as if subsection (1) had not been enacted.

Application

6. Part III of the *Registry Act*, as re-enacted by section 4 of this Act, applies to every claim and notice of claim whether registered before or after the coming into force of the said section 4.

Commence-
ment

7. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

8. The short title of this Act is the *Registry Amendment Act, 1981*.

CHAPTER 18

An Act to amend the Milk Act

Assented to June 26th, 1981

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of the *Milk Act*, being chapter 266 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor: s. 2,
re-enacted

2. The purpose and intent of this Act is, Purpose
of Act

- (a) to stimulate, increase and improve the producing of milk within Ontario;
- (b) to provide for the control and regulation in any or all respects of the marketing within Ontario of milk, cream or cheese, or any combination thereof, including the prohibition of such marketing in whole or in part; and
- (c) to provide for the control and regulation in any or all respects of the quality of milk, milk products and fluid milk products within Ontario.

2. Subsection 8 (1) of the said Act is amended by adding thereto the following paragraph: s. 8,
amended

20a. authorizing a marketing board,

- (i) to impose and collect levies from producers and to pay such levies to the Ontario Dairy Herd Improvement Corporation for the purpose of stimulating, increasing and improving the producing of milk, and
- (ii) to fix the amount of such levies up to but not exceeding 3 cents per hectolitre of milk.

3. Section 20 of the said Act is amended by adding thereto the following subsection: s. 20,
amended

Adoption
by
reference

R.S.C. 1970,
c. A-8

Commence-
ment

Short title

(2) Any regulation made under this section may adopt by reference, in whole or in part, with such changes as the Lieutenant Governor in Council considers necessary, any grade, standard or grade name established under the *Canada Agricultural Products Standards Act*, as amended or re-enacted from time to time, and may require compliance with any such grade, standard or grade name so adopted, including any such changes.

- 4. This Act comes into force on the day it receives Royal Assent.
- 5. The short title of this Act is the *Milk Amendment Act, 1981*.

CHAPTER 19

**An Act to establish the Ministry
of Municipal Affairs and Housing***Assented to July 3rd, 1981*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,Interpre-
tation

(a) "Deputy Minister" means the Deputy Minister of Municipal Affairs and Housing;

(b) "Minister" means the Minister of Municipal Affairs and Housing;

(c) "Ministry" means the Ministry of Municipal Affairs and Housing;

(d) "municipality" means the corporation of a metropolitan, regional or district municipality, a county, city, town, village, township or improvement district and includes a local board thereof, as defined in clause 1 (c) of the *Municipal Affairs Act*, and a board, commission, conservation authority or other local authority exercising any power with respect to municipal affairs or purposes, including school purposes, in territory without municipal organization.

R.S.O. 1980,
c. 303

2. There shall be a ministry of the public service to be known as the Ministry of Municipal Affairs and Housing.

Ministry
established

3. The Minister shall preside over and have charge of the Ministry and has power to act for and on behalf of the Ministry.

Minister to
have charge

4.—(1) The Minister is responsible for the policies and programs of the Government of Ontario in relation to,

Functions
of
Minister

(a) municipal affairs, including the co-ordination of programs of financial assistance to municipalities;

(b) community planning, community development, maintenance and improvement of the built environment and land development; and

(c) housing and related matters.

Implement-
ation of
policies and
programs

(2) The Minister may take such measures as he considers appropriate to implement any policy or program referred to in subsection (1), including entering into any agreements for such purpose with any municipality or with any other person.

Power of
municipalities
to enter into
agreements

(3) A municipality may enter into and perform agreements with the Minister under subsection (2).

Adminis-
tration
of Acts

(4) The Minister is responsible for the administration of this Act, the Acts set out in the Schedule and the Acts that are assigned to him by the Legislature or by the Lieutenant Governor in Council.

Advances,
grants, etc.

(5) The Minister, out of moneys appropriated therefor by the Legislature,

(a) may make any advances, grants and loans and provide any other financial assistance that may be made or provided by the Lieutenant Governor in Council under section 2 of the *Housing Development Act*; or

R.S.O. 1980,
c. 209

(b) may make advances, grants and loans and provide other financial assistance to assist in the implementation of the policies and programs referred to in clauses (1) (b) and (c).

Exercise of
Ministry
powers

(6) The Minister may exercise the powers conferred on the Ministry in any general or special Act for which the Minister is responsible.

Annual
report

(7) The Minister after the close of each year shall submit to the Lieutenant Governor in Council an annual report upon the affairs of the Ministry and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Deputy
Minister

5.—(1) The Lieutenant Governor in Council shall appoint a Deputy Minister of Municipal Affairs and Housing who shall be the deputy head of the Ministry.

Idem

(2) Under the direction of the Minister, the Deputy Minister shall perform such duties as the Minister may assign or delegate to him.

Delegation
of powers
and duties

6.—(1) Where, under this or any other Act, a power or duty is granted to or vested in the Minister, he may in writing delegate

that power or duty to the Deputy Minister, or to any officer or employee of the Ministry or of a Crown agency described in subsection 8 (1), subject to such limitations, restrictions, conditions and requirements as the Minister may set out in his delegation.

(2) Notwithstanding the *Executive Council Act*, a contract or agreement made by a person empowered to do so under a delegation made under subsection (1) has the same effect as if made and signed by the Minister.

Contracts and agreements
R.S.O. 1980,
c. 147

7.—(1) No action or other proceeding for damages shall be instituted against the Deputy Minister, or any officer or employee of the Ministry, or anyone acting under his authority for any act done in good faith in the execution or intended execution of his duty, or for any alleged neglect or default in the execution in good faith of his duty.

Protection from personal liability

(2) Subsection (1) does not, by reason of subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*, relieve the Crown of liability in respect of a tort committed by a person mentioned in subsection (1) to which it would otherwise be subject, and the Crown is liable under that Act for any such tort in a like manner as if subsection (1) had not been enacted.

Crown liability
R.S.O. 1980,
c. 393

8.—(1) Where, under this or any other Act, the Minister is made responsible for the administration of a Crown agency or for the administration of an Act relating to a Crown agency, the Minister may give policy direction to that agency and the agency shall follow the direction.

Control over Crown agencies

(2) Notwithstanding subsection 6 (3) of the *Ontario Housing Corporation Act*, where any agreement entered into by the Minister under the *Housing Development Act* provides that the rights of the Minister and Her Majesty in right of Ontario under the agreement do not vest in the Ontario Housing Corporation, such rights and obligations remain as rights and obligations of the Minister or of Her Majesty in right of Ontario and do not vest in the Corporation.

Ontario Housing Corporation agreements
R.S.O. 1980,
cc. 339, 209

(3) The Minister may, by order, divest the Ontario Housing Corporation of all its rights under any agreement mentioned in section 6 of the *Ontario Housing Corporation Act* and, where an order is made divesting the Corporation of its rights under such an agreement, the rights of the Corporation become vested in Her Majesty in right of Ontario and all obligations under the agreement become obligations of Her Majesty in right of Ontario.

Idem

Facsimile
signature
authorized

9.—(1) The Minister may authorize the use of a facsimile of his signature and the Deputy Minister may authorize the use of a facsimile of his signature on any document except an affidavit or a statutory declaration.

Idem

(2) A facsimile of the signature of the Minister or the Deputy Minister affixed to a document under an authorization made under subsection (1) shall be deemed to be the signature of the Minister or the Deputy Minister, as the case may be.

Seal

10.—(1) The Lieutenant Governor in Council may authorize a seal for the Minister and prescribe its use on documents.

Idem

(2) The seal may be reproduced by engraving, lithographing, printing or any other method of mechanical reproduction and, when so produced, has the same force and effect as if manually affixed.

Advisory
committees

11. The Minister may establish advisory committees to the Minister and sub-committees thereto, appoint chairmen and members of such committees and sub-committees and fix the remuneration and expenses of the chairmen and members of committees and sub-committees and the remuneration and expenses shall be paid out of the moneys appropriated therefor by the Legislature.

References
to
Ministers
and
Ministries

12.—(1) A reference to the Minister of Intergovernmental Affairs or the Minister of Housing, as the case may be, in any Act listed in the Schedule, or in any regulation, order in council, ministerial order, act or thing made or done under any such Act, shall be deemed to be a reference to the Minister of Municipal Affairs and Housing, so long as the Minister administers such Act, and a reference therein to the Ministry of Intergovernmental Affairs or the Ministry of Housing shall be deemed to be a reference to the Ministry of Municipal Affairs and Housing.

Saving

(2) Nothing in this Act invalidates any regulation, ministerial order, act or thing made or done under any Act listed in the Schedule prior to the day this Act receives Royal Assent.

Amendments
to Schedule

13. The Lieutenant Governor in Council may, by order, amend the Schedule.

R.S.O. 1980,
c. 316,
s. 23 (1),
re-enacted

14. Subsection 23 (1) of the *Niagara Escarpment Planning and Development Act*, being chapter 316 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Interpre-
tation

(1) In this section and in section 24, subsections 25 (1), (3) to (9) and (11) and (12) and section 26, "Minister" means the Minister of Municipal Affairs and Housing.

15.—(1) Clause 1 (b) of the *Ministry of Intergovernmental Affairs Act*, being chapter 283 of the Revised Statutes of Ontario, 1980, is amended by striking out “or any municipality” in the seventh line. R.S.O. 1980,
c. 283,
s. 1 (b),
amended

(2) Clause 1 (e) of the said Act is repealed. s. 1 (e),
repealed

(3) Subsection 5 (2) of the said Act is repealed. s. 5 (2),
repealed

(4) Subsection 5 (3) of the said Act is amended by striking out “subsections (1) and (2)” in the third and fourth lines and inserting in lieu thereof “subsection (1)”. s. 5 (3),
amended

(5) Subsection 5 (4) of the said Act is amended by striking out “the Acts set out in the Schedule” in the second line. s. 5 (4),
amended

(6) Section 8 of the said Act is repealed. s. 8,
repealed

(7) The Schedule to the said Act is repealed. Schedule,
repealed

16. The *Ministry of Housing Act*, being chapter 281 of the Revised Statutes of Ontario, 1980, is repealed. Repeals

17. This Act shall be deemed to have come into force on the 1st day of April, 1981. Commence-
ment

18. The short title of this Act is the *Ministry of Municipal Affairs and Housing Act, 1981*. Short title

SCHEDULE

Brantford-Brant Annexation Act, 1980
 City of Cornwall Annexation Act, 1974
 City of Gloucester Act, 1980
 City of Hamilton Act, 1975
 City of Hazeldean-March Act, 1978
 City of Nepean Act, 1978
 City of Port Colborne Act, 1974
 City of Sudbury Hydro-Electric Service Act, 1980
 City of Thorold Act, 1975
 City of Thunder Bay Act, 1968-69
 City of Timmins-Porcupine Act, 1972
 County of Oxford Act
 District Municipality of Muskoka Act
 District of Parry Sound Local Government Act, 1979
 Elderly Persons' Housing Aid Act
 Haliburton Act
 Housing Development Act
 Line Fences Act
 Local Improvement Act
 Moosonee Development Area Board Act
 Municipal Act
 Municipal Affairs Act
 Municipal Arbitrations Act

Municipal Conflict of Interest Act
Municipal Corporations Quieting Orders Act
Municipal Elderly Residents' Assistance Act
Municipal Elections Act
Municipal Franchises Act
Municipal Subsidies Adjustment Repeal Act, 1976
Municipal Tax Assistance Act
Municipal Unemployment Relief Act
Municipal Works Assistance Act
Municipality of Metropolitan Toronto Act
Municipality of Shuniah Act, 1936
North Pickering Development Corporation Act, 1974
Ontario Housing Corporation Act
Ontario Land Corporation Act
Ontario Planning and Development Act
Ontario Unconditional Grants Act
Ontario Youth Employment Act
Ottawa-Carleton Amalgamations and Elections Act, 1973
Parkway Belt Planning and Development Act
Planning Act
Police Village of St. George Act, 1980
Provincial Parks Municipal Tax Assistance Act
Public Parks Act
Public Utilities Act
Public Utilities Corporations Act
Regional Municipality of Durham Act
Regional Municipality of Haldimand-Norfolk Act
Regional Municipality of Halton Act
Regional Municipality of Hamilton-Wentworth Act
Regional Municipality of Niagara Act
Regional Municipality of Ottawa-Carleton Act
Regional Municipality of Ottawa-Carleton Land Acquisition Act, 1980
Regional Municipality of Peel Act
Regional Municipality of Sudbury Act
Regional Municipality of Waterloo Act
Regional Municipality of York Act
Road Access Act
Shoreline Property Assistance Act
Snow Roads and Fences Act
Statute Labour Act
Tax Sales Confirmation Act, 1974
Territorial Division Act
Tom Longboat Act, 1980
Toronto District Heating Corporation Act, 1980
Toronto Islands Act, 1980
Town of Wasaga Beach Act, 1973
Township of North Plantagenet Act, 1976
Village of Point Edward Act, 1979
Wharfs and Harbours Act

CHAPTER 20

An Act to provide for the Consolidation of Hearings under certain Acts of the Legislature*Assented to July 3rd, 1981*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,Interpre-
tation

- (a) "establishing authority" means the chairmen or vice-chairmen of the Environmental Assessment Board and the Ontario Municipal Board, as provided in section 4;
- (b) "Hearings Registrar" means the Hearings Registrar under this Act;
- (c) "joint board" means a joint board established under this Act;
- (d) "joint board hearing" means a hearing under this Act by a joint board;
- (e) "municipality" means the corporation of a county, city, town, village, township or improvement district or of a metropolitan, regional or district municipality and a board, commission or other local authority exercising any power in respect of municipal affairs or purposes, including school purposes, in territory without municipal organization;
- (f) "person" includes a municipality, Her Majesty in right of Ontario, a Crown agency within the meaning of the *Crown Agency Act*, a public body, a partnership, an unincorporated joint venture and an unincorporated association;
- (g) "proponent" means a person who carries out or proposes to carry out or is the owner or person having charge, management or control of an undertaking;

R.S.O. 1980.
c 106

- (h) "regulations" means regulations made under this Act;
- (i) "tribunal" means one or more persons, whether or not incorporated and however described, upon whom a power, right or duty to hold a hearing is conferred by or under an Act;
- (j) "undertaking" means an enterprise or activity, or a proposal, plan or program in respect of an enterprise or activity.

Application
of Act

2. This Act applies in respect of an undertaking in relation to which more than one hearing is required or may be required or held by more than one tribunal under one or more of the Acts set out in the Schedule or prescribed by the regulations.

Notice of
undertaking

3.—(1) The proponent of an undertaking to which this Act applies shall give written notice to the Hearings Registrar.

Contents
of notice

(2) A notice under subsection (1) must specify the general nature of the undertaking, the hearings that are required or that may be required or held, and the Acts under which the hearings are required or may be required or held.

Application
to
Divisional
Court

(3) Upon application by originating notice by any person who is or may be affected by an undertaking mentioned in subsection (1), the Divisional Court may order the proponent of the undertaking to give to the Hearings Registrar the written notice required by subsection (1).

Application
of subs. (3)

(4) Subsection (3) does not apply before a day to be named by proclamation of the Lieutenant Governor.

Joint board

4.—(1) Upon receipt of notice in accordance with section 3, the Hearings Registrar shall refer the matter to the chairman of the Environmental Assessment Board and the chairman of the Ontario Municipal Board.

Establish-
ment

(2) Where a matter is referred under subsection (1), the chairman of the Environmental Assessment Board and the chairman of the Ontario Municipal Board together by order shall establish the joint board and together shall determine the composition of the joint board.

Idem

(3) Where either of the chairmen mentioned in subsection (2) is unable to act or the office of chairman is vacant, a vice-chairman of the board shall act as and have all the powers of the chairman for the purposes of this Act.

(4) The joint board shall be composed of one or more members of either or both of the Environmental Assessment Board and the Ontario Municipal Board. Composition

(5) The establishing authority may change the composition of a joint board that has not commenced to hold a hearing. Change of composition

(6) The establishing authority by order, Appointment of members, chairman and vice-chairman

(a) shall appoint the members of the joint board; and

(b) shall appoint the chairman and may appoint a vice-chairman of the joint board from the members of the joint board.

(7) Where the chairman of a joint board is absent or unable to act or the office of chairman is vacant, the vice-chairman of the joint board shall act as and have all the powers of the chairman. Authority of vice-chairman

(8) Where a joint board commences to hold a hearing under this Act and the term of office on the Environmental Assessment Board or the Ontario Municipal Board of a member sitting for the joint hearing expires or is terminated before the proceeding is disposed of, the member shall remain a member of the joint board for the purpose of completing the disposition of the proceeding in the same manner as if his term of office had not expired or been terminated. Continuation on expiry of membership

(9) A majority of the members of a joint board constitutes a quorum of the joint board, but where a vacancy occurs in the membership of a joint board the establishing authority by order, Quorum

(a) may confirm the existence of the vacancy; and

(b) may establish the number of members that constitute a quorum of the joint board.

(10) The decision of a majority of the members of a joint board presiding at a hearing is the decision of the joint board. Decision

(11) The joint board has the authority and the duty, Powers of joint board

(a) to hold a hearing in respect of and to consider the matters that could be considered at the hearings specified in the notice to the Hearings Registrar under section 3; and

(b) to make and issue a decision in respect of matters considered by the joint board.

Hearing

5.—(1) The joint board shall appoint a time and place for and shall hold a public hearing in respect of the matters in relation to which a hearing is required or may be required or held as specified in the notice to the Hearings Registrar under section 3.

Decision

(2) The joint board may make any decision that might be made by a tribunal that has a power, right or duty to hold a hearing in respect of which the joint board hearing was held or that might be made by any body or person after the holding of the hearing including but not limited to the granting of any authority or directing the granting or issuing of a permit or licence and the imposition of terms and conditions.

Deferral

(3) A joint board may defer any matter or part of any matter,

(a) to be heard and decided under this Act by the joint board or another joint board at another date; or

(b) to be decided by the tribunal, body, or person that, but for this Act, would have a power, right or duty to deal with the matter or part under any Act set out in the Schedule or prescribed by the regulations.

Idem,
terms, etc.

(4) Where a joint board defers a matter or part of a matter under subsection (3),

(a) the joint board may impose such terms and conditions or give such directions, or both, in respect of the proceedings or the matter or part deferred as the joint board considers proper;

(b) the joint board may direct that the matter or part deferred be decided without a hearing if, in the opinion of the joint board, the matter or part is not in controversy; and

(c) the joint board, tribunal, body or person to whom the matter or part is deferred has power to decide the matter or part in accordance with such terms, conditions and directions.

Idem,
application
of Act

(5) Where a matter or part of a matter is deferred under subsection (3) to another joint board, this Act applies with necessary modifications in respect of the matter or part and, for the purpose, the matter or part deferred shall be deemed to be an undertaking mentioned in section 3.

Where
hearing not
required

(6) A joint board may make any decision mentioned in subsection (2) without holding a hearing if the joint board is satisfied that in the circumstances a hearing would not be required or would be dispensed with under the Act specified in the Schedule

or prescribed by the regulations that, but for this Act, would apply in respect of the undertaking.

(7) The standards and criteria in or under an Act specified in a notice under section 3 that relate to the undertaking specified in the notice apply with necessary modifications in respect of a decision that may be made by a joint board under this Act. Standards and criteria

6.—(1) A proponent who does not intend to proceed with an undertaking may withdraw the notice given under section 3 by written notice to the Hearings Registrar before the commencement of the joint board hearing. Withdrawal of notice

(2) Upon application with notice, a joint board that is satisfied that a proponent does not intend to proceed with an undertaking by order may permit the proponent to withdraw the notice given under section 3 in respect of the undertaking, subject to such terms and conditions as the joint board considers proper in the circumstances. Idem

(3) A proponent may amend an incorrect or incomplete notice given under section 3 by written notice to the Hearings Registrar before the commencement of the joint board hearing. Amendment of notice by proponent

(4) A joint board may amend a notice given under section 3 on motion by a person entitled to take part in the proceedings or on its own initiative after the commencement of the joint board hearing and in so doing may impose such terms and conditions and give such directions as the joint board considers proper. Amendment of notice by joint board

7.—(1) Subject to subsection (2) and to any rule of conduct or practice or procedure prescribed by the regulations, the notices and the documents that would be required to be given or filed in respect of a hearing by a tribunal shall be given or filed, as the case may be, in the same manner in respect of the joint board hearing by the joint board established in respect of the hearing. Notices and filing of documents

(2) Upon application without notice, a joint board may change the requirements as to filing of documents or giving of notice in respect of any hearing in respect of which the joint board has been established if the joint board is satisfied that the change will facilitate the joint board hearing and is not unfair to any person entitled to be heard at or to attend the joint board hearing. Modification of requirements

(3) Subject to this Act and the regulations, a joint board may determine its own practice and procedure. Practice and procedure

Costs (4) A joint board may award the costs of a proceeding before the joint board.

Payment (5) A joint board that awards costs may order by whom and to whom the costs are to be paid.

Taxation (6) A joint board that awards costs may fix the amount of the costs or direct that the amount be taxed, the scale according to which they are to be taxed and by whom they are to be taxed.

Parties **8.—**(1) A person entitled to be heard at a hearing or to take part in proceedings before a tribunal that has a power, right or duty to hold a hearing in respect of which a joint board has been established has the same entitlement in respect of the proceedings before the joint board.

Ministers entitled to take part in proceedings (2) Any minister of the Crown in right of Ontario is entitled, by counsel or otherwise, to take part in proceedings before a joint board.

Joint board may appoint class representative (3) Upon application by a party other than the proponent, a joint board may, from among a class of parties having a common interest, recognize a person as representing the class, but any other member of the class may, with the consent of the joint board, take part in the proceedings notwithstanding the appointment.

Additional parties (4) A joint board may specify additional persons who shall be parties to proceedings before the joint board.

Sittings **9.—**(1) A joint board shall sit at such times and places as the chairman of the joint board may designate and, for the purposes of proceedings before it, the joint board may sit jointly either within or outside Ontario with any tribunal established under the law of another jurisdiction.

Use of court house (2) Subject to the needs of the Supreme Court, a joint board has the same right as a judge of the Supreme Court with respect to the use of the court house in a municipality for a sitting of the joint board.

Use of town hall (3) Where there is no court house in a municipality but there is a hall in the municipality belonging to the corporation of the municipality, a joint board has the right to use the hall for a sitting of the joint board and the corporation of the municipality shall make all arrangements necessary for the purpose.

Expert assistance **10.** A joint board may appoint from time to time one or more persons having technical or special knowledge of any matter to

inquire into and report to the joint board and to assist the joint board in any capacity in respect of any matter before it.

11.—(1) A joint board may state a case in writing for the opinion of the Divisional Court upon any question that, in the opinion of the joint board, is a question of law. Stating case for opinion

(2) The Divisional Court shall hear and determine the stated case and remit it to the joint board with the opinion of the Divisional Court thereon. Action thereon

12.—(1) A joint board may rehear all or part of any matter before issuing its decision in the proceedings before it. Rehearing

(2) Upon application, the establishing authority may re-establish a joint board where the establishing authority is of the opinion that part of the decision of the joint board requires clarification, and the re-established joint board may amend its decision in order to clarify the part and may rehear any part of the matter it considers necessary before making the amendment. Amendment of decision

(3) No member of a joint board shall participate in a decision of the joint board following upon a joint board hearing unless he was present throughout the joint board hearing and heard the evidence and argument of the parties. Only members at hearing to participate in decision

(4) A joint board shall give a copy of its decision and written reasons therefor to, Giving of decision

(a) the proponent;

(b) any person appointed under subsection 8 (3) to represent a class of parties to the proceedings;

(c) any other party to the proceedings who took part in the proceedings before the joint board;

(d) the member of the Executive Council responsible for the administration of any Act in respect of which the decision is made; and

(e) such other persons as the joint board may specify.

(5) In determining the persons, if any, to specify under clause (4) (e), the joint board shall take into consideration the persons who would have been entitled to notice of a decision by a tribunal or any other body or person that, but for this Act, would have a power, right or duty to hold a hearing or make a decision after a hearing in respect of the undertaking. Idem

13.—(1) Upon application, the Lieutenant Governor in Council by order, Powers of Lieutenant Governor in Council

- (a) may confirm, vary or rescind all or any part of a decision of a joint board;
- (b) may substitute for the decision of a joint board such decision as the Lieutenant Governor in Council considers appropriate; or
- (c) may require a joint board or a different joint board to hold a new hearing as to all or any part of the matters in respect of which the joint board was established.

Who may
apply

(2) An application under subsection (1) may be made by any person entitled to be heard at or to take part in proceedings before the joint board.

Time for
application

(3) An application under subsection (1) must be made within twenty-eight days after the day the decision or amended decision, as the case may be, of the joint board is issued.

Where
member
unable to
act on new
hearing

(4) Where the Lieutenant Governor in Council by order requires a joint board to hold a new hearing under this Act and one or more of the members of the joint board is unable to participate in the proceedings, the establishing authority by order shall appoint a member of the Environmental Assessment Board or the Ontario Municipal Board, as the case requires, in the place of the member unable to participate.

New hearing
by different
joint board

(5) Where the Lieutenant Governor in Council by order requires a different joint board to hold a new hearing under this Act, the establishing authority shall establish the joint board in accordance with section 4 and the joint board shall hold the new hearing in accordance with the order.

Interpre-
tation

(6) A decision by a tribunal, body or person mentioned in section 5 shall be deemed to be a decision by a joint board.

When
decision
final

14. A decision of a joint board becomes final,

- (a) where no application is made to the Lieutenant Governor in Council under section 13, with the expiry of the twenty-eighth day after the issuance of the decision;
- (b) where an application is made to the Lieutenant Governor in Council under section 13 and,
 - (i) the joint board is required to hold a new hearing, when the joint board issues its decision following upon the new hearing, or

- (ii) the joint board is not required to hold a new hearing, upon the disposition of the application by the Lieutenant Governor in Council.

15.—(1) Where a hearing is required or may be required or held under any Act set out in the Schedule or prescribed by the regulations and a joint board makes a decision in respect of the hearing, subject to section 13,

Effect of joint board hearing and decision

- (a) the joint board decision stands for all purposes in place of the hearing;
- (b) the decision of the joint board stands for all purposes in place of any decision, order or action that is required or may be made or taken by the tribunal that has a power, right or duty to hold the hearing or by any other body or person after the holding of the hearing; and
- (c) no proceedings shall be taken by way of appeal in respect of the hearing or the decision except in accordance with this Act.

(2) An application for judicial review under the *Judicial Review Procedure Act*, or the bringing of proceedings specified in subsection 2 (1) of that Act, is not an appeal within the meaning of clause (1) (c).

Judicial review
R.S.O. 1980,
c. 224

16.—(1) There shall be a Hearings Registrar appointed by the Lieutenant Governor in Council.

Hearings Registrar

(2) The Hearings Registrar is the registrar of each joint board and is responsible for,

Duties

- (a) assisting in the establishment and operation of each joint board; and
- (b) such other duties as may be prescribed by the regulations or assigned to him by or under any other Act.

17. The Hearings Registrar shall not be required and no member or appointee of a joint board shall be required to give testimony in any civil suit or proceeding with regard to information obtained by him in the discharge of his duties as Hearings Registrar or as a member or appointee of the joint board.

Testimony by member or appointee of joint board

18. Where a person is prohibited under any Act set out in the Schedule or prescribed by the regulations from disclosing information but is permitted to disclose the information in or for the purpose of proceedings under that Act, the person may disclose the information in or for the purposes of the proceedings of a joint board under this Act.

Disclosure of information

Regulations

19.—(1) The Lieutenant Governor in Council may make regulations,

- (a) for the conduct of and governing practice and procedure of joint board proceedings;
- (b) prescribing forms and providing for their use;
- (c) requiring the payment of fees in respect of proceedings before joint boards and prescribing the amounts thereof;
- (d) prescribing any matter referred to in this Act as prescribed by the regulations;
- (e) exempting any undertaking or class of undertakings or any hearing or class of hearings from the application of this Act or the regulations or any portion or section of this Act or the regulations, and prescribing conditions that shall apply to any such exemption.

Application of
R.S.O. 1980,
c. 446

(2) The *Regulations Act* does not apply to an order or decision under any other section of this Act.

Hearings
under
certain Acts

20.—(1) Where a proponent of an undertaking gives notice under section 3 to the Hearings Registrar, no person acting under any Act specified in the Schedule or prescribed by the regulations shall hold in respect of the undertaking a hearing specified in the notice or in any amendment to the notice.

Exception
where notice
withdrawn

(2) Subsection (1) does not apply where the notice under section 3 is withdrawn in accordance with section 6.

Other
proceedings

21. Nothing in this Act shall be construed to prevent a hearing or other proceeding under any other Act in respect of any matter not determined in a decision or order under this Act.

Service

22.—(1) Any notice, order or other document under this Act or the regulations is sufficiently given or served if delivered personally or sent by prepaid mail addressed to the person to whom delivery or service is to be made at the latest address appearing on the records of the Hearings Registrar.

Idem

(2) Where notice is given or service is made by prepaid mail, the giving or service shall be deemed to be made on the seventh day after the day of mailing unless the person to whom notice is given or on whom service is being made establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice, order or other document until a later date.

(3) Where a joint board is of the opinion that because the persons who are to be given any notice or document under this Act are so numerous, or for any other reason it is impracticable to give the notice or document to all or any of the persons individually, the joint board may instead of doing so cause the notice or reasonable notice of the contents of the document to be given to the persons by public advertisement or otherwise as the joint board may direct, and the date on which such notice or reasonable notice of the contents of the document is first published or otherwise given as directed, shall be deemed to be the date on which the notice or document is given. Public notice

(4) A decision of a joint board shall be deemed to be issued on the day that a copy of the decision is delivered personally or is sent by prepaid mail or is given under subsection (3) to the last of the persons mentioned in subsection 12 (4). Decision of joint board

23. This Act binds the Crown.

Crown

24.—(1) This Act does not apply in respect of an undertaking in relation to which, before the day referred to in section 3, a hearing has been commenced under an Act set out in the Schedule or prescribed by the regulations. Transitional

(2) Notwithstanding subsection (1), the tribunal holding the hearing mentioned in subsection (1), upon application with notice by a party to the proceedings, may order the proponent of the undertaking to give to the Hearings Registrar the written notice mentioned in subsection 3 (1). Application and order

(3) Upon the making of the order, this Act applies in respect of the undertaking. Effect of order

(4) Subsection (1) does not apply if the hearing has been completed before the day referred to in subsection (1), whether or not a decision has been made or issued following upon the hearing. Exception

(5) Where a hearing mentioned in subsection (1) has been completed before the date referred to in subsection (1), and more than one further hearing is required or may be required or held under one or more of the Acts set out in the Schedule or prescribed by the regulations, the proponent may give to the Hearings Registrar the written notice mentioned in subsection 3 (1). Notice by proponent

(6) Where the proponent of an undertaking gives notice under subsection (5), this Act applies in respect of the undertaking. Effect of notice

25. This Act comes into force on the day it receives Royal Assent. Commencement

Short title

26. The short title of this Act is the *Consolidated Hearings Act, 1981*.

SCHEDULE

Environmental Assessment Act

Environmental Protection Act

Expropriations Act, sections 6, 7 and 8

Municipal Act

Municipality of Metropolitan Toronto Act, subsection 66 (4)

Niagara Escarpment Planning and Development Act

Ontario Municipal Board Act

Ontario Water Resources Act

Parkway Belt Planning and Development Act

Planning Act

Regional Municipality of Ottawa-Carleton Act, subsection 181 (9)

Regional Municipality of York Act, subsections 169 (3) and (9)

CHAPTER 21

**An Act to establish
the Ontario Waste Management Corporation***Assented to July 3rd, 1981*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,Interpre-
tation

- (a) "Board" means the board of directors of the Corporation;
- (b) "Corporation" means the Ontario Waste Management Corporation established by section 2;
- (c) "Minister" means the member of the Executive Council designated by the Lieutenant Governor in Council to administer this Act.

2.—(1) There is hereby established a corporation without share capital under the name of "Ontario Waste Management Corporation".

Incorporation

(2) The Corporation is a Crown agency within the meaning of the *Crown Agency Act*.

Application of
R.S.O. 1980,
c. 106**3. The objects of the Corporation are,**

Objects

- (a) to research, develop, establish, operate and maintain facilities for the transmission, reception, collection, examination, storage, treatment and disposal of wastes including sewage; and
- (b) to perform such other duties as may be assigned to it under this or any other Act.

4. The Lieutenant Governor in Council may formulate policies for the Corporation and the Corporation shall follow such policies in carrying out its objects under this Act.

Policies

Transfer of
assets and
liabilities
R.S.O. 1980,
c. 54

5. On the day this section comes into force, all assets and all liabilities of Ontario Waste Management Corp., a corporation incorporated under the *Business Corporations Act* by articles of incorporation filed by Her Majesty the Queen in right of Ontario as represented by the Minister of the Environment, are, without compensation, assets and liabilities of the Corporation.

Board of
directors

6.—(1) There shall be a board of directors of the Corporation composed of not fewer than seven members who shall be appointed by the Lieutenant Governor in Council.

Chairman
and vice-
chairman

(2) The Lieutenant Governor in Council shall appoint a chairman and a vice-chairman of the Board from the members of the Board.

Term of
office

(3) A member of the Board shall be appointed to hold office for a term not exceeding three years and may be reappointed for successive terms not exceeding three years each.

Quorum

7. A majority of the members of the Board for the time being constitutes a quorum for the transaction of business at meetings of the Board.

Acting
chairman

8.—(1) If the chairman is absent or unable to act or if the office of chairman is vacant, the vice-chairman shall act as and have all the powers of the chairman, and in the absence of the chairman and the vice-chairman from any meeting of the Board, the members of the Board present at the meeting shall appoint an acting chairman who shall act as and have all the powers of the chairman during the meeting.

Vacancy

(2) In the event of a vacancy in the office of a member of the Board caused by the death, resignation or incapacity of the member, the Lieutenant Governor in Council may appoint a person to hold office in place of the member for the remainder of the term of the member.

Remuneration
of members
of Board

9. The members of the Board shall be paid such remuneration and expenses as are determined by the Lieutenant Governor in Council.

Removal
of member
of Board
for cause

10. The Lieutenant Governor in Council may remove a member of the Board from office before the expiration of his term for cause and the Lieutenant Governor in Council may appoint a person in place of the member for the remainder of the term of the member.

Staff

11.—(1) The Corporation may employ such persons as are considered necessary from time to time for the proper conduct of the affairs of the Corporation.

(2) The *Public Service Superannuation Act* applies to the permanent and probationary employees of the Corporation as though the Corporation had been designated by the Lieutenant Governor in Council under section 28 of that Act.

Application of
R.S.O. 1980,
c. 419

(3) The Corporation may engage persons under contract other than those employed under subsection (1) to provide professional, technical or other assistance to or on behalf of the Corporation.

Expert
assistance

(4) Where the Corporation employs a person previously employed as a civil servant within the meaning of the *Public Service Act*, any attendance credits and vacation credits standing to the credit of the person as a civil servant immediately before his employment by the Corporation shall continue to stand to the credit of the person as an employee of the Corporation.

Attendance
and vacation
credits
R.S.O. 1980,
c. 418

(5) Any benefit or group plan applicable from time to time to civil servants within the meaning of the *Public Service Act* under any Act may be made applicable to the employees of the Corporation by order of the Lieutenant Governor in Council.

Application of
employee
benefit
or group
plan of
civil servants

12.—(1) The *Corporations Act* does not apply to the Corporation.

Application of
R.S.O. 1980,
c. 95

(2) The Corporation shall have a seal which shall be adopted by by-law.

Corporate
seal

(3) The Corporation has all the capacity and powers of a natural person, except as limited by this Act.

Capacity and
powers of
Corporation

13.—(1) The Board may pass by-laws regulating its proceedings, specifying the powers and duties of the officers and employees of the Corporation and generally for the conduct and management of the business and affairs of the Corporation.

By-laws, by
Corporation

(2) Except with the approval of the Lieutenant Governor in Council, the Board shall not pass a by-law for borrowing money on the credit of the Corporation or for mortgaging or pledging any of the real or personal property of the Corporation to secure any money borrowed by or any obligation or liability of the Corporation.

Borrowing
by-laws

14.—(1) Except with the prior approval of the Lieutenant Governor in Council, the Corporation shall not establish, alter or enlarge an activity, enterprise or facility in respect of wastes on any property other than the property described in the Schedule.

Where
approval
required to
establish, etc.,
facility

(2) The Lieutenant Governor in Council may attach terms, conditions and limitations to an approval mentioned in subsection (1).

Terms, con-
ditions and
limitations

Application of
R.S.O. 1980,
cc. 140, 141,
361

15.—(1) The *Environmental Assessment Act*, section 30 of the *Environmental Protection Act* and section 25 of the *Ontario Water Resources Act* do not apply in respect of the following:

1. An activity, enterprise or facility,

(a) of the Corporation; or

(b) that is ancillary to an activity, enterprise or facility of the Corporation,

in respect of the property described in the Schedule.

2. An activity, enterprise or facility of the Corporation approved by the Lieutenant Governor in Council under section 14.

Limitation

(2) The Corporation shall not establish a facility referred to in paragraph 1 of subsection (1) for the reception, storage, treatment or disposal of waste on any part of the property described in the Schedule unless a report is made under section 16, and the Board concurs, that the part of the property is a safe place for the facility and that the proposal for the facility is technologically sound.

Continued
application

(3) On a day to be named by proclamation of the Lieutenant Governor, subsections (1) and (2) cease to apply except in respect of such activities, enterprises or facilities as may be specified in the proclamation.

Review of
activity or
proposed
activity

16.—(1) The Lieutenant Governor in Council from time to time may appoint one or more persons to review any activity or proposed activity of the Corporation and to report thereon to the Lieutenant Governor in Council.

Powers

(2) Where the Lieutenant Governor in Council by order so declares, the person or persons appointed under subsection (1) shall have the powers of a commission under Part II of the *Public Inquiries Act*, which Part shall apply to such review as if it were an inquiry under that Act.

R.S.O. 1980,
c. 411

Fiscal
year of
Corporation

17. The fiscal year of the Corporation begins on the 1st day of April and ends on the 31st day of March in the following year.

Minister
may require
reports

18. The Minister may require the Corporation to make reports and provide information to the Minister pertaining to any aspect of the business and affairs of the Corporation in such form and at such times as the Minister may specify and the Corporation shall comply with such requirements by the Minister.

19.—(1) The Corporation shall establish and maintain an ^{Accounting system} accounting system satisfactory to the Minister.

(2) The accounts and financial transactions of the Corporation ^{Audit} shall be audited annually by the Provincial Auditor and the Provincial Auditor shall report on the audit to the Minister and the Corporation.

20. The net profits of the Corporation shall be paid into the ^{Profits} Consolidated Revenue Fund at such times and in such manner as the Minister may direct.

21. The Corporation shall, after the close of each fiscal year, ^{Annual report} file with the Minister an annual report upon the affairs of the Corporation signed by the chairman or the vice-chairman of the Corporation and the Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

22.—(1) This Act, except section 5, comes into force on the ^{Commence-} day it receives Royal Assent.
^{ment}

(2) Section 5 comes into force on a day to be named by proc- ^{Idem}lamation of the Lieutenant Governor.

23. The short title of this Act is the *Ontario Waste Manage-* ^{Short title}
ment Corporation Act, 1981.

SCHEDULE

Lots 10 to 21, concession 4 and lots 10 to 21, concession 5 in the Town of Haldimand, formerly in the Township of South Cayuga, in The Regional Municipality of Haldimand-Norfolk.

CHAPTER 22

**An Act to amend
the Employment Standards Act***Assented to July 3rd, 1981*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 40 (5) of the *Employment Standards Act*, being chapter 137 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor: s. 40 (5), re-enacted

(5) An employer who has terminated or who proposes to terminate the employment of employees shall, when required by the Minister for the purpose of facilitating the re-establishment of the employees in employment, Duty of employer

- (a) participate in such actions or measures as the Minister may direct;
 - (b) participate in the establishment and work of a committee upon such terms as the Minister considers necessary; and
 - (c) contribute to the reasonable cost or expense of any committee referred to in clause (b) in such amount or proportion as the Minister directs.
- (2) Clause 40 (6) (b) of the said Act is repealed and the following substituted therefor: s. 40 (6) (b), re-enacted
- (b) an employer shall pay during the period of notice,
 - (i) the wages the employee is entitled to receive, which in no case shall be less than his regular wages for a regular non-overtime work week, and
 - (ii) those contributions to be made with respect to a fund, plan or arrangement to which Part X

applies in order to maintain the benefits to which the employee is entitled; and

s. 40 (7),
re-enacted

- (3) Subsection 40 (7) of the said Act is repealed and the following substituted therefor:

Payments
where
employment
terminated
without
notice

- (7) Where the employment of an employee is terminated contrary to this section,

- (a) the employer shall pay termination pay in an amount equal to the wages that the employee would have been entitled to receive at his regular rate for a regular non-overtime work week for the period of notice prescribed by subsection (1) or (2), and any wages to which he is entitled;
- (b) the employer shall pay during the period of notice prescribed by subsection (1) or (2) those contributions to be made with respect to a fund, plan or arrangement to which Part X applies in order to maintain the benefits to which the employee is entitled during the period of notice; and
- (c) the employee shall be deemed during the period of notice prescribed by subsection (1) or (2) to be actively employed on the same terms and conditions in existence during his employment for the purpose of entitlement to benefits under a plan, fund or arrangement to which Part X applies.

s. 40,
amended

- (4) Section 40 of the said Act is amended by adding thereto the following subsection:

Employer's
contributions
deemed wages

- (9) Notwithstanding subclause 1 (p) (iv), the contributions to be made under subsection (6) or (7) with respect to a fund, plan or arrangement to which Part X applies shall, for the purposes of Part XIII, be deemed to be wages to which an employee is entitled.

s. 40a,
enacted

- 2.—(1) Part XII of the said Act is amended by adding thereto the following section:

Severance
pay

40a.—(1) Where,

- (a) fifty or more employees have their employment terminated by an employer in a period of six months or less; and

- (b) the terminations are caused by the permanent discontinuance of all or part of the business of the employer at an establishment,

the employer shall pay severance pay to each employee whose employment has been terminated and who has been employed by the employer for five or more years in an amount equal to the amount the employee would have received at his regular rate for a regular non-overtime work week multiplied by the number of years of employment with the employer to a maximum of twenty-six years.

(2) Subsection (1) applies to,

Application

- (a) a regular full-time employee and a regular part-time employee;
- (b) an employee whose employment is terminated as a result of a strike or lock-out except where the employer establishes that the permanent discontinuance of all or part of the business at an establishment is caused by the economic consequences of the strike;
- (c) an employee who is temporarily absent due to illness or injury;
- (d) an employee who received or was entitled to receive notice of termination but who died before his employment was terminated or would have been terminated if notice of termination had been given;
- (e) a permanent discontinuance of all or part of a business at an establishment however caused, whether fortuitous, unforeseen or by act of God;
- (f) an employee who loses his employment by the exercise by another employee of a seniority right; and
- (g) an employee who, upon having his employment terminated, retires and is entitled to receive a reduced pension benefit.

(3) Subsection (1) does not apply to,

Exceptions

- (a) an employee who refuses an offer by his employer of reasonable alternative employment with his employer;
- (b) an employee who refuses to exercise his seniority rights to obtain reasonable alternative employment;

- (c) an employee who refuses to waive any right to be recalled for employment;
- (d) an employee who, upon having his employment terminated, retires and receives an actuarially unreduced pension benefit;
- (e) an employee whose employer is engaged in the construction, alteration, maintenance or demolition of buildings, structures, roads, sewers, pipelines, mains, tunnels or other works where the employee works at the site thereof; or
- (f) an employee who is employed under an arrangement whereby the employee may elect to work or not when requested to do so.

Severance
pay in
addition
to other
payment

(4) Severance pay under this section is payable to the employee in addition to any other payment under this Act or contract of employment without set-off or deduction, except for,

- (a) supplementary unemployment benefits payable to and received by the employee; or
- (b) payments made to the employee under a contractual severance pay scheme under which payments for loss of employment based upon length of service are provided.

Prior
employment
included

(5) Employment before the coming into force of this section shall be taken into account in calculating the years of employment of an employee to whom this section applies.

Employment
not
included

(6) A year of employment for which an employee has been paid severance pay shall be excluded in any subsequent calculation of severance pay for that employee.

Transitional

(2) Notwithstanding subsection 40a (1) of the *Employment Standards Act*, as enacted by subsection (1), the period of six months shall be deemed to be a period of four weeks in respect of termination of employment within the period of time from and including the 1st day of January, 1981, to and including the day immediately before the day this Act receives Royal Assent.

Idem

(3) Section 40a of the said Act does not apply to an employer who became a bankrupt or an insolvent person within the meaning of the *Bankruptcy Act* (Canada) and whose assets have been distributed among his creditors or to an employer whose proposal within the meaning of the *Bankruptcy Act* (Canada) has been accepted by his creditors in the period from and

including the 1st day of January, 1981, to and including the day immediately before the day this Act receives Royal Assent.

3. Clause 47 (1) (c) of the said Act is repealed and the following substituted therefor: s. 47 (1) (c), re-enacted

(c) issue an order in writing to the employer to pay forthwith to the Director in trust any wages to which an employee is entitled and such order shall provide in addition for payment by the employer to the Director of a penalty of 10 per cent of the wages or the sum of \$25, whichever is the greater, but the wages ordered to be paid in respect of each employee shall not exceed,

(i) the sum of \$4,000 with respect to any wages other than the employee's severance pay, plus

(ii) the amount of the employee's severance pay, if any.

- 4.—(1) This Act, except section 2, comes into force on the day it receives Royal Assent. Commence-
ment

(2) Section 2 shall be deemed to have come into force on the 1st day of January, 1981. Idem

5. The short title of this Act is the *Employment Standards Amendment Act, 1981*. Short title

CHAPTER 23

An Act to amend the Judicature Act

Assented to July 3rd, 1981

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Subsection 4 (1) of the *Judicature Act*, being chapter 223 of the Revised Statutes of Ontario, 1980, is amended by striking out “thirteen” in the fourth line and inserting in lieu thereof “fourteen”. s. 4 (1),
amended
- 2.—(1) Subsection 5 (1) of the said Act is amended by striking out “forty other judges” in the fourth line and inserting in lieu thereof “such number of other judges as is fixed by the regulations”. s. 5 (1),
amended
- (2) Section 5 of the said Act is amended by adding thereto the following subsection: s. 5,
amended

(1a) The Lieutenant Governor in Council may by regulation fix the number of judges of the High Court who are in addition to the Chief Justice and Associate Chief Justice, but where the number is reduced by regulation, the reduction shall not be applied to affect appointments existing at the time of the reduction. Number of
additional
judges
- 3. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commence-
ment
- 4. The short title of this Act is the *Judicature Amendment Act, 1981*. Short title

CHAPTER 24

An Act to amend the County Courts Act

Assented to July 3rd, 1981

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Clause 14 (1) (a) of the *County Courts Act*, being chapter 100 of the Revised Statutes of Ontario, 1980, is amended by striking out “\$7,500” in the second line and inserting in lieu thereof “\$15,000”. s. 14 (1) (a),
amended
- (2) Clause 14 (1) (b) of the said Act is amended by striking out “7,500” in the second line and inserting in lieu thereof “\$15,000”. s. 14 (1) (b),
amended
- (3) Clause 14 (1) (c) of the said Act is amended by striking out “\$7,500” in the second line and in the fourth line and inserting in lieu thereof in each instance “\$15,000”. s. 14 (1) (c),
amended
- (4) Clause 14 (1) (d) of the said Act is amended by striking out “\$7,500” in the third line and inserting in lieu thereof “\$15,000”. s. 14 (1) (d),
amended
- (5) Clause 14 (1) (e) of the said Act is amended by striking out “\$7,500” in the fourth line and inserting in lieu thereof “\$15,000”. s. 14 (1) (e),
amended
- (6) Clause 14 (1) (f) of the said Act is amended by striking out “\$7,500” in the fifth line and inserting in lieu thereof “\$15,000”. s. 14 (1) (f),
amended
- (7) Clause 14 (1) (g) of the said Act is amended by striking out “\$50,000” in the third line and inserting in lieu thereof “\$100,000”. s. 14 (1) (g),
amended
- (8) Clause 14 (1) (h) of the said Act is amended by striking out “\$7,500” in the fourth line and inserting in lieu thereof “\$15,000” and by striking out “\$50,000” in the fifth line and inserting in lieu thereof “\$200,000”. s. 14 (1) (h),
amended

s. 14 (1) (i),
amended

(9) Clause 14 (1) (i) of the said Act is amended by striking out “\$7,500” in the third line and inserting in lieu thereof “\$15,000”.

s. 14 (1) (j),
amended

(10) Clause 14 (1) (j) of the said Act is amended by striking out “\$7,500” in the fourth line and inserting in lieu thereof “\$15,000”.

s. 14 (2),
amended

(11) Subsection 14 (2) of the said Act is amended by striking out “\$50,000” in the eighth line and inserting in lieu thereof “\$100,000” and by striking out “\$50,000” in the ninth line and inserting in lieu thereof “\$200,000”.

Application
of section

(12) This section does not apply to actions commenced before this section comes into force.

Cominence-
ment

2. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

3. The short title of this Act is the *County Courts Amendment Act, 1981*.

CHAPTER 25

An Act to amend the Public Hospitals Act

Assented to July 3rd, 1981

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The *Public Hospitals Act*, being chapter 410 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following sections:

7a.—(1) The Lieutenant Governor in Council may appoint ^{Investigators} one or more persons to investigate and report on the quality of the management and administration of a hospital and the quality of the care and treatment of patients in the hospital.

(2) An investigator has the powers of an inspector under this ^{Powers} Act and the regulations.

(3) No person shall obstruct an investigator or withhold or ^{Obstruction} destroy, conceal or refuse to furnish any information or thing required by the investigator for the purposes of the investigation.

(4) The Minister shall cause a copy of the report of an investigation to be delivered to the chairman of the board of the hospital. ^{Delivery of report}

7b.—(1) The Lieutenant Governor in Council may appoint a ^{Hospital supervisor} hospital supervisor for a hospital where, having regard to the content of the report of an investigation under section 7a as to the quality of the management or administration of the hospital or the care and treatment of patients in the hospital, the Lieutenant Governor in Council is of the opinion that the appointment is in the best interest of the public.

(2) The Lieutenant Governor in Council shall not make an appointment under subsection (1) sooner than thirty days after ^{Waiting period} submission of the report of the investigation to the Lieutenant Governor in Council.

Term of
office

(3) The appointment of a hospital supervisor is valid until terminated by order of the Lieutenant Governor in Council.

Duty of
hospital
supervisor

(4) A hospital supervisor appointed for a hospital shall give advice and guidance to the board and the administrator of the hospital for the purpose of improving the quality of the management and administration of the hospital and the care and treatment of patients in the hospital.

Duty of
board and
administrator

(5) It is the duty of the board and the administrator of a hospital to receive and consider the advice and guidance of a hospital supervisor appointed for the hospital.

Action on
behalf of
board, etc.

(6) Where a hospital supervisor appointed for a hospital requests in writing that the board of the hospital or the members of the corporation that owns or operates the hospital do any act that they have authority to do and, in the opinion of the hospital supervisor, they fail to do so, the hospital supervisor may do the act on behalf of the board or the members of the corporation and the act is as effective as if done by the board or the members of the corporation, as the case may be.

Action by
board

(7) During the term of office of a hospital supervisor appointed for a hospital, no act of the board of the hospital is valid unless approved in writing by the hospital supervisor.

Right of
access

(8) A hospital supervisor appointed for a hospital has the same rights as the board and the administrator of the hospital in respect of the documents, records and information of the board and the hospital.

Reports

(9) A hospital supervisor may report to the Minister from time to time and shall report to the Minister in such form and manner, with such information and at such times, as the Minister may require.

Protection
from
personal
liability

7c.—(1) No action or other proceeding for damages or otherwise shall be instituted against an investigator or a hospital supervisor appointed under this Act for any act done in good faith in the execution or intended execution of any duty or authority under this Act or the regulations or for any alleged neglect or default in the execution in good faith of any such duty or authority.

Crown not
relieved of
liability
R.S.O. 1980,
c. 393

(2) Subsection (1) does not, by reason of subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*, relieve the Crown of liability in respect of a tort committed by an investigator or a hospital supervisor to which the Crown would otherwise be subject and the Crown is liable under that Act for any such tort in the same manner as if subsection (1) had not been enacted.

2.

For the purposes of section 7*b* of the *Public Hospitals Act*, the report dated June, 1981 by C. J. Clark, L. D. Wadsworth and P. B. Blewett in respect of Toronto East General and Orthopaedic Hospital shall be deemed to be the report of an investigation under section 7*a* of the *Public Hospitals Act* and to have been submitted to the Lieutenant Governor in Council on the 15th day of June, 1981.

Report
by Messrs.
Clark,
Wadsworth
and
Blewett
R.S.O. 1980.
c. 410
3.

This Act comes into force on the day it receives Royal Assent.

Commence-
ment
4.

The short title of this Act is the *Public Hospitals Amendment Act, 1981*.

Short title

CHAPTER 26

**An Act to provide Alternative Methods of
Fixing Penalty Charges, Interest Rates and
Discount Rates on Payments to Municipalities***Assented to July 3rd, 1981*

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts as
follows:

1. In this Act,Interpre-
tation

- (a) "municipality" means a municipality as defined in the *Municipal Affairs Act* and a metropolitan, regional or district municipality or the County of Oxford and any local board thereof; R.S.O. 1980.
c. 303
- (b) "overdue payment" includes any payment to be made to a municipality in respect of,
- (i) overdue taxes owing to the municipality,
 - (ii) overdue amounts owing to the municipality pursuant to a levy or requisition made by that municipality upon another municipality,
 - (iii) overdue amounts owing to the municipality by another municipality to be applied towards outstanding indebtedness of the municipality, and
 - (iv) overdue amounts owing to the municipality by another municipality for the supply of water or some other service by the first-mentioned municipality to the other municipality;
- (c) "prime rate" means the lowest rate of interest quoted by a chartered bank, named in Schedule A to the *Bank Act* (Canada), to its most credit-worthy borrowers for prime business loans; 1980-81,
c. 40 (Can.)
- (d) "prime rate percentage" means the prime rate of the chartered bank that has the highest prime rate on the

relevant day expressed as a percentage only, without the addition of the words "per annum".

Application

2. Sections 3 and 4 apply only where, under any general or special Act, a municipality is authorized or required to charge interest on overdue payments or to allow a discount for payments made in advance of their due date and where a municipality is authorized or required,

- (a) to charge interest on overdue payments, the municipality may charge interest in accordance with section 3 in lieu of charging interest in accordance with such other Act; and
- (b) to allow a discount for payments made in advance of the due date, the municipality may allow a discount in accordance with section 4 in lieu of allowing a discount in accordance with such other Act,

notwithstanding that the interest charged or the discount allowed is at a rate that is higher or lower than the rate authorized or required to be charged under such other Act.

Alternate
interest
rate

3.—(1) A municipality may, by by-law, provide that the interest payable on overdue payments shall be at the rate specified in the by-law, which rate shall not exceed the prime rate of the chartered bank that has the highest prime rate on the day the by-law is passed plus 1½ per cent per annum.

Idem

(2) A by-law passed in any year under subsection (1) in respect of interest payable on overdue payments,

- (a) may be amended to reduce the interest rate charged but shall not be amended to increase the rate;
- (b) may provide for interest to be added to overdue payments at the rate set out in the by-law only until the earlier of,
 - (i) the day a by-law in respect of interest payable on overdue payments comes into force in the next following year, or
 - (ii) the 31st day of March in the next following year; and
- (c) may be made applicable to overdue payments or any class or classes thereof, that are overdue on the day this Act comes into force or that thereafter become overdue.

(3) For the purposes of subsection (1), where a municipality is authorized by any general or special Act to fix a monthly interest rate to be added to overdue payments for each month or fraction of a month during which the payment remains unpaid, the interest rate specified in a by-law passed under subsection (1) shall not exceed one-twelfth of the prime rate percentage on the day the by-law is passed plus one-eighth of 1 per cent per month.

Monthly
interest
rate

(4) This section does not apply to any penalty for non-payment of taxes imposed under subsection 386 (3) or (4) of the *Municipal Act*.

Application

R.S.O. 1980,
c. 302

4.—(1) A municipality may, by by-law, provide that the discount rate on payments made to it in advance of their due date shall be at such rate as is specified in the by-law, which rate shall not exceed the prime rate of the chartered bank that has the highest prime rate on the day the by-law is passed plus 1½ per cent per annum.

Alternate
discount
rate

(2) A by-law passed in any year under subsection (1) in respect of discounts allowed on advance payments,

Idem

- (a) may be amended to increase the discount rate allowed but shall not be amended to decrease the rate;
- (b) may provide for discounts to be allowed on advance payments at the rate set out in the by-law only until the earlier of,
 - (i) the day a by-law in respect of discount rates comes into force in the next following year, or
 - (ii) the 31st day of March in the next following year; and
- (c) may be made applicable to advance payments or any class or classes thereof, made in respect of payments that become due after the day this Act comes into force whether the advance payment was or is made before or after that day.

(3) This section does not apply to discounts or interest allowed for taxes paid in advance under subsection 386 (5) of the *Municipal Act*.

Application

5.—(1) In lieu of imposing a percentage charge as a penalty for non-payment of taxes under subsection 386 (3) or (4) of the *Municipal Act* or allowing a discount or interest for advance payment of taxes under subsection 386 (5) of that Act, a municipality may impose penalties and allow discounts or interest in accordance with this section.

Application

Alternate
penalty for
non-payment
of taxes

(2) A municipality may, by by-law, impose a percentage charge as a penalty for non-payment of taxes or any class or instalment thereof not exceeding one-twelfth of the prime rate percentage on the day the by-law is passed plus one-eighth of 1 per cent and the by-law shall provide that the percentage charge shall be imposed on the first day of default and on the first day of each calendar month thereafter in which default continues, but not after the end of the year in which the taxes are levied.

Idem

(3) As an alternative to a by-law passed under subsection (2), the municipality may, by by-law, impose a percentage charge as a penalty for non-payment of taxes or all or any class or instalment thereof not exceeding the prime rate of the chartered bank that has the highest prime rate on the day the by-law is passed plus 1½ per cent per annum from the date payment is due until it is made or until the 31st day of December of the year in which the taxes were levied, whichever is earlier.

Alternate
discount or
interest on
payment in
advance

(4) The municipality may, by by-law, authorize the treasurer or collector to receive in any year payments on account of taxes for that year in advance of the day that may be fixed by by-law for the payment of any instalment of such taxes and,

- (a) to allow a discount of any taxes so paid in advance at a rate not exceeding the prime rate of the chartered bank having the highest prime rate on the day the by-law is passed plus 1½ per cent per annum and may allow interest at a rate not exceeding the aforementioned maximum rate on account of taxes so paid in advance for any portion of the period for which no discount is allowed; or
- (b) to allow interest on taxes paid in advance of the day fixed by by-law for the payment of any instalment of such taxes at a rate not exceeding the prime rate of the chartered bank having the highest prime rate on the day the by-law is passed plus 1½ per cent per annum,

notwithstanding that the taxes for such year have not been levied or that the assessment role on which such taxes are to be fixed and levied has not been revised and certified by the Assessment Review Court when any such advance payment is made.

Application

(5) A by-law passed under this section,

- (a) may be made applicable to taxes payable in 1981, whether or not such taxes are overdue on the day this Act comes into force, and to taxes paid in 1981, if notice of the by-law is given in accordance with subsection 386 (6) of the *Municipal Act*, and such a by-law applies

notwithstanding that prior to the coming into force of this Act, the municipality has imposed a percentage charge or allowed a discount under subsection 386 (3), (4) or (5) of the *Municipal Act* or that notices have been sent out in 1981 under section 159, 379 or 380 of that Act;

R.S.O. 1980.
c. 302

(b) shall be passed prior to the day on which tax notices are first given or mailed under section 159, 379 or 380 of the *Municipal Act*, where the by-law is passed after 1981; and

(c) applies only to taxes levied in the year in which it was passed.

(6) Where a by-law to which clause (5) (a) applies has been passed, any percentage charge or discount or interest in force in the municipality under subsection 386 (3), (4) or (5) of the *Municipal Act* on the day the by-law is passed shall, notwithstanding the *Municipal Act*, cease to have effect as of the day on which the percentage charge, discount or interest imposed or allowed by the by-law takes effect. Idem

(7) A by-law passed,

Amendments
to by-law

(a) under subsection (2) or (3), may be amended to reduce the percentage charge but may not be amended to increase the percentage charge;

(b) under clause (4) (a), may be amended to increase the discount rate but may not be amended to decrease the discount rate; and

(c) under clause (4) (b), may be amended to increase the interest rate but may not be amended to decrease the interest rate.

(8) Where in any Act there is a reference to subsection 386 (3), (4) or (5) of the *Municipal Act* and where a by-law has been passed under this section, the reference to the said subsection (3), (4) or (5) shall be deemed to be a reference to subsection (2), (3) or (4), respectively, of this section. References
in other
Acts

6. This Act comes into force on the day it receives Royal Assent. Commence-
ment

7. The short title of this Act is the *Municipal Interest and Discount Rates Act, 1981*. Short title

CHAPTER 27

**An Act respecting
The Leeds and Grenville County
Board of Education and Teachers Dispute**

Assented to July 3rd, 1981

WHEREAS The Leeds and Grenville County Board of Education and its secondary school teachers have been negotiating terms and conditions of employment; and whereas a strike by the secondary school teachers against the board began on the 7th day of May, 1981; and whereas the board and its secondary school teachers have been unable to make an agreement as to terms and conditions of employment; and whereas the public interest requires that means be found for the settlement of the matters in dispute between the board and its secondary school teachers;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "board" means The Leeds and Grenville County Board of Education;
- (b) "branch affiliate" means the organization composed of all the teachers employed by the board who are members of The Ontario Secondary School Teachers' Federation;
- (c) "Commission" means the Education Relations Commission established under the *School Boards and Teachers Collective Negotiations Act*; R.S.O. 1980,
c. 464
- (d) "lock-out" has the same meaning as in the *School Boards and Teachers Collective Negotiations Act*;
- (e) "parties" means the board and the branch affiliate;
- (f) "school day" has the same meaning as in Ontario Regulation 546/73;

R.S.O. 1980,
c. 464

(g) "selector" means the selector appointed under this Act;

(h) "strike" has the same meaning as in the *School Boards and Teachers Collective Negotiations Act*;

(i) "teachers" means the secondary school teachers employed on permanent or probationary contracts by the board.

Resumption
of
employment
and
operation
of schools

2.—(1) The teachers who are on strike against the board shall, on the first school day following the day this Act comes into force, return to and resume their duties in accordance with their contracts of employment and the written collective agreement in effect on the 31st day of August, 1980 with the board and the board shall, on the first school day following the day this Act comes into force, resume the employment of such teachers in accordance with such contracts and written collective agreement and resume the normal operation of the schools in which the teachers are employed.

Strike or
lock-out

(2) During the period from and including the first school day after the day this Act comes into force until the day an agreement that includes the decision of the selector comes into effect, no teacher shall take part in a strike against the board and the board shall not lock out a teacher.

Exception

(3) Nothing in this Act precludes a teacher from not returning to and resuming his duties with the board for reasons of health or by mutual consent in writing of the teacher and the board.

Final offer
selection

3.—(1) The parties shall be deemed to have agreed,

(a) to refer all matters remaining in dispute between them that may be provided for in an agreement under the *School Boards and Teachers Collective Negotiations Act*, to a selector for determination under and in accordance with Part V of that Act; and

(b) to not withdraw from the proceedings.

Appointment
of selector
by
Commission

(2) The Commission shall appoint the selector forthwith after this Act comes into force and shall give notice of the appointment to the parties, and the notice shall set out the name and address of the person appointed and the date of the appointment.

Application
of
R.S.O. 1980,
c. 464

(3) Except as otherwise provided in this Act, the *School Boards and Teachers Collective Negotiations Act* applies to the selector, to the proceedings conducted before him, to the parties and to the teachers.

4.—(1) Notwithstanding section 50 of the *School Boards and Teachers Collective Negotiations Act*, the agreement giving effect to all matters agreed upon by the parties and the decision of the selector shall be for the period commencing on the 1st day of September, 1980 and expiring on the 31st day of August, 1983.

Term of
agreement
R.S.O. 1980,
c. 464

(2) The Commission may, with the concurrence of the selector and the parties, reduce any period of time referred to in section 40, 41, 43, 45 or 47 of the *School Boards and Teachers Collective Negotiations Act*.

Reduction
of time
periods

5.—(1) Every person or party that contravenes any provision of this Act is guilty of an offence.

Offences

(2) The provisions of the *School Boards and Teachers Collective Negotiations Act* respecting offences and penalties and the procedures relating thereto apply in respect of a contravention of any provision of this Act.

Idem

6. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor and is repealed on the day on which the collective agreement made under this Act comes into force.

Commence-
ment
and repeal

7. The short title of this Act is the *Leeds and Grenville County Board of Education and Teachers Dispute Act, 1981*.

Short title

CHAPTER 28

An Act to amend the Executive Council Act

Assented to July 3rd, 1981

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 (1) of the *Executive Council Act*, being chapter 147 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor: s. 2 (1),
re-enacted

(1) The Lieutenant Governor may appoint under the Great Seal from among the ministers of the Crown the following ministers to hold office during pleasure: Portfolios

President of the Council
Attorney General
Chairman of the Management Board of Cabinet
Minister of Agriculture and Food
Minister of Colleges and Universities
Minister of Community and Social Services
Minister of Consumer and Commercial Relations
Minister of Correctional Services
Minister of Culture and Recreation
Minister of Education
Minister of Energy
Minister of the Environment
Minister of Government Services
Minister of Health
Minister of Industry and Tourism
Minister of Intergovernmental Affairs
Minister of Labour
Minister of Municipal Affairs and Housing
Minister of Natural Resources
Minister of Northern Affairs
Minister of Revenue
Minister of Transportation and Communications
Provincial Secretary for Justice
Provincial Secretary for Resources Development

Provincial Secretary for Social Development
Solicitor General
Treasurer of Ontario and Minister of Economics,

and such other ministers as the Lieutenant Governor sees fit, and may by order in council prescribe their duties and the duties of any ministries over which they preside, and of the officers and clerks under their jurisdiction.

s. 3 (1-4),
re-enacted

- 2.** Subsections 3 (1) to (4) of the said Act are repealed and the following substituted therefor:

Salaries

(1) The annual salary of every minister with portfolio is \$23,300.

Additional
salary for
Premier

(2) The member of the Executive Council holding the recognized position of First Minister shall receive, in addition, \$9,900 per annum.

Salary of
minister
without
portfolio

(3) The annual salary of every minister without portfolio is \$11,700.

Salary of
Parliamentary
Assistant

(4) The annual salary of every Parliamentary Assistant is \$7,200.

Commence-
ment

- 3.** This Act shall be deemed to have come into force on the 1st day of April, 1981.

Short title

- 4.** The short title of this Act is the *Executive Council Amendment Act, 1981*.

CHAPTER 29

An Act to amend the Legislative Assembly Act

Assented to July 3rd, 1981

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 60 (1) of the *Legislative Assembly Act*, being chapter 235 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor: s. 60 (1),
re-enacted
- (1) An indemnity at the rate of \$30,000 per annum shall be paid to every member of the Assembly. Members'
indemnities
- (2) Subsection 60 (2) of the said Act is repealed and the following substituted therefor: s. 60 (2),
re-enacted
- (2) An allowance for expenses at the rate of \$10,000 per annum shall be paid to every member of the Assembly. Members'
allowances
- (3) Subsection 60 (5) of the said Act is repealed. s. 60 (5),
repealed
- 2.—(1) Subsection 62 (1) of the said Act is repealed and the following substituted therefor: s. 62 (1),
re-enacted
- (1) In addition to his indemnity as a member, there shall be paid, Indemnity
of Speaker,
Leader of
Opposition
and leader
of a minority
party
- (a) to the Speaker an indemnity at the rate of \$17,200 per annum;
- (b) to the Leader of the Opposition an indemnity at the rate of \$23,300 per annum; and
- (c) to the Leader of a party, except the Premier and the Leader of the Opposition, that has a recognized membership of twelve or more persons in the Assembly an indemnity at the rate of \$11,700.

s. 62 (4),
repealed

(2) Subsection 62 (4) of the said Act is repealed.

s. 64 (1),
re-enacted

3. Subsection 64 (1) of the said Act is repealed and the following substituted therefor:

Chairman
and Deputy
Chairman of
Whole House
and Chairmen
of standing
committees,
indemnity

(1) In addition to his indemnity as a member, an indemnity shall be paid,

- (a) to the person who is Deputy Speaker and Chairman of the Committees of the Whole House at the rate of \$7,200 per annum;
- (b) to the Deputy Chairman of the Committees of the Whole House at the rate of \$5,000 per annum; and
- (c) to the chairman of each standing committee at the rate of \$3,900 per annum.

s. 65 (1),
re-enacted

4. Subsection 65 (1) of the said Act is repealed and the following substituted therefor:

Whips,
indemnities

(1) In addition to his indemnity as a member, an indemnity shall be paid,

- (a) to the Chief Government Whip, at the rate of \$8,900 per annum;
- (b) to the Deputy Government Whip, at the rate of \$6,100 per annum;
- (c) to each of not more than three Government Whips, at the rate of \$4,400 per annum;
- (d) to the Chief Opposition Whip, at the rate of \$6,100 per annum;
- (e) to each of not more than two Opposition Whips, at the rate of \$4,400 per annum; and
- (f) in the case of each party that has a recognized membership of twelve or more persons in the Assembly, other than the party from which the Government is chosen and the party recognized as the Official Opposition,
 - (i) to the Chief Party Whip of the party, at the rate of \$5,000 per annum, and
 - (ii) to the Party Whip of the party, at the rate of \$4,000 per annum.

5. Subsections 66 (2) and (3) of the said Act are repealed and the following substituted therefor: s. 66 (2, 3),
re-enacted

(2) Where a member of the Assembly travels between his residence and the seat of government at Toronto while on business as a member of the Assembly, he shall be paid the actual and reasonable cost of transportation by scheduled airline economy flight, on not more than fifty-two round trips for the member in any year, six of which may be used for such round trip travel for the member's spouse or persons in such relationship to the member as may be prescribed from time to time by the Board of Internal Economy.

Expenses,
air travel

(3) Where a member of the Assembly travels between his residence and the seat of government at Toronto while on business as a member of the Assembly, he shall be paid the actual and reasonable cost of transportation by first class train accommodation or bus on any number of round trips for the member and not more than six such round trips in any year for the member's spouse or persons in such relationship to the member as may be prescribed from time to time by the Board of Internal Economy, and the actual and reasonable cost of berths, meals and gratuities incurred in the course of such transportation.

train and
bus

(3a) The Board of Internal Economy has power to determine amounts and prescribe relationships for the purposes of subsections (1) to (3).

Power of
Board of
Internal
Economy

6. Subsection 67 (1) of the said Act is amended by striking out the first, second, third and fourth lines and inserting in lieu thereof the following: s. 67 (1),
amended

(1) There shall be paid to each member of a committee of the Assembly other than the chairman thereof an allowance for expenses of \$60 and to the chairman thereof an allowance for expenses of \$70, and,

- 7.—(1) Subsection 68 (1) of the said Act is amended by striking out "one-quarter" in the fifth line and inserting in lieu thereof "one-half". s. 68 (1),
amended

(2) Subsection 68 (2) of the said Act is amended by striking out "one-quarter" in the second line and inserting in lieu thereof "one-half". s. 68 (2),
amended

(3) Subsection 68 (3) of the said Act is amended by striking out "one-quarter" in the fifth line and inserting in lieu thereof "one-half". s. 68 (3),
amended

s. 69,
re-enacted

- 8.** Section 69 of the said Act is repealed and the following substituted therefor:

House
Leaders'
indemnities

69. In addition to his indemnity as a member, an indemnity shall be paid,

- (a) to the Opposition House Leader, at the rate of \$8,900 per annum;
- (b) to the House Leader of a party, other than the party from which the Government is chosen and the party recognized as the Official Opposition, that has a recognized membership of twelve or more persons in the Assembly at the rate of \$6,700 per annum.

s. 69a,
enacted

- 9.** The said Act is amended by adding thereto the following section:

Advances

69a.—(1) Upon the request of a member, there shall be paid, out of the moneys that have accrued to the member at the time the request is made,

- (a) any part of the indemnity and any additional indemnity payable to the member under this Act, not exceeding one-twelfth of the annual indemnities per month; and
- (b) any part of the annual allowances for expenses payable to the member under this Act, not exceeding one-twelfth of the annual allowances for expenses per month.

Application
of subs. (1)

(2) Subsection (1) applies notwithstanding the other provisions of this Act as to the times of payment of indemnities and allowances for expenses.

Commence-
ment

- 10.** This Act shall be deemed to have come into force on the 1st day of April, 1981.

Short title

- 11.** The short title of this Act is the *Legislative Assembly Amendment Act, 1981*.

CHAPTER 30

An Act to amend the Workmen's Compensation Act

Assented to July 3rd, 1981

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Clauses 36 (1) (a), (c), (d), (e) and (f) of the *Workmen's Compensation Act*, being chapter 539 of the Revised Statutes of Ontario, 1980, are repealed and the following substituted therefor:

(a) the necessary expenses of the burial or cremation of the employee, not exceeding \$1,200;

(c) where the widow or widower is the sole dependant, a monthly payment of,

(i) \$447, effective the 1st day of July, 1980, and

(ii) \$492, effective the 1st day of July, 1981;

(d) where the dependants are a widow or a widower and one or more children, a monthly payment of,

(i) \$447 with an additional monthly payment of \$123 to be increased upon the death of the widow or widower to \$139 for each child under the age of sixteen years, effective the 1st day of July, 1980, and

(ii) \$492 with an additional monthly payment of \$136 to be increased upon the death of the widow or widower to \$153 for each child under the age of sixteen years, effective the 1st day of July, 1981;

(e) where the dependants are children, for each child under the age of sixteen years, a monthly payment of,

(i) \$139, effective the 1st day of July, 1980, and

(ii) \$153, effective the 1st day of July, 1981;

(f) where there are dependants other than those mentioned in clauses (c), (d) and (e), and there are no dependants who are persons referred to in the said clauses, a sum reasonable and proportionate to the pecuniary loss to such first-mentioned dependants occasioned by the death, to be determined by the Board, but not exceeding in the whole,

(i) \$447 a month effective the 1st day of July, 1980, and

(ii) \$492 a month effective the 1st day of July, 1981.

Application

(2) Clause 36 (1) (a) of the said Act, as re-enacted by subsection (1) of this section, applies only where the death occurs on or after the 1st day of July, 1981.

Idem

(3) Clauses 36 (1) (c), (d), (e) and (f) of the said Act, as re-enacted by subsection (1) of this section, apply to payments accruing after the effective dates but nothing therein entitles any person to claim additional compensation for any period prior to the effective dates.

Idem

(4) The amounts payable under clauses 36 (1) (c), (d), (e) and (f) of the said Act, as re-enacted by subsection (1) of this section, do not apply to a lump sum award or to payments due prior to the effective dates.

s. 36 (6),
re-enacted

2.—(1) Section 36 (6) of the said Act is repealed and the following substituted therefor:

Payment of
lump sum

(6) In addition to any other compensation provided for, the widow or widower, or where the employee leaves no widow or widower, the person described in subsection (5), is entitled to a lump sum of \$1,200.

Application

(2) Section 36 (6) of the said Act, as re-enacted by subsection (1) of this section, applies only where the death occurs on or after the 1st day of July, 1981.

s. 42,
amended

3. Section 42 of the said Act is amended by adding thereto the following subsections:

(3) Notwithstanding subsection (1), where the employee is not working and is in receipt of temporary disability benefits and has continuously received temporary disability benefits for the immediately preceding twenty-four months, the Board shall adjust the rate of compensation being paid by adding thereto an additional 10 per cent of the compensation rate being paid but the compensation rate so adjusted shall not exceed the maximum established by sections 39 and 45. Further adjustment

(4) Subsection (3) applies to payments accruing on and after the 1st day of July, 1981, but nothing therein entitles any person to claim additional compensation for any period prior to the day next following the end of the twenty-four month period referred to in subsection (3) and nothing therein entitles any person to more than one adjustment to his rate of compensation under subsection (3). Application

4. Section 43 of the said Act is amended by adding thereto the following subsections: s. 43, amended

(8) The amounts payable under this section shall be increased where the injury occurred on or before the 30th day of June, 1980, by adding thereto a factor of 9 per cent effective the 1st day of July, 1980. Increase in payments

(9) The amounts payable under this section shall be increased where the injury occurred on or before the 30th day of June, 1981, by adding thereto a factor of 10 per cent effective the 1st day of July, 1981, but the amounts of compensation to which an employee is entitled shall not exceed the like proportion of 75 per cent of the rate of average earnings computed under subsection 45 (1) effective on the 1st day of July, 1981, for amounts accruing on and after the 1st day of July, 1981. Idem

(10) Subsections (8) and (9) do not apply to a lump sum award previously made by the Board under this Part, including an award that was previously commuted or paid as a lump sum under subsection (4), an award under subsection (6) or an award under clause 44 (b). Non-application of subss. (8, 9)

(11) For paying compensation for accidents occurring on or before the 30th day of June, 1980, the maximum established by subsection 45 (1) shall be \$20,200 for the purposes of subsection (8). Maximum established

5.—(1) Section 44 of the said Act is repealed and the following substituted therefor: s. 44, re-enacted

Minimum
amount of
compensation

44. Notwithstanding anything to the contrary in this Part, the amount of compensation to which an injured employee is entitled shall not be less than,

(a) for temporary total disability,

(i) \$156 a week where his average earnings were not less than \$156 a week, from the 1st day of July, 1981, and

(ii) the amount of his earnings where his average earnings are less than \$156 a week from the 1st day of July, 1981,

and for temporary partial disability, a proportionate amount in accordance with the impairment of earning capacity; and

(b) for permanent disability, the pension computed in accordance with sections 43 and 45, but the amount of such pension shall not be less than,

(i) for permanent total disability,

1. \$623 a month for the period from the 1st day of July, 1980, to and including the 30th day of June, 1981, and

2. \$686 a month from the 1st day of July, 1981, and

(ii) for permanent partial disability, an amount proportionate to that mentioned in subclause (i) in accordance with the impairment of earning capacity; or

(c) alternatively to subclause (b) (i), for permanent total disability the benefits which would have been payable from time to time under clauses 36 (1) (c), (d) and (e) and under section 38, as if he had died from the injury.

Application

(2) Subclauses 44 (a) (i) and (ii) of the said Act, as re-enacted by subsection (1) of this section, apply to accidents occurring on and after the 1st day of July, 1981, but nothing therein entitles a person to claim additional compensation for any period prior to the 1st day of July, 1981.

Idem

(3) Sub-subclause 1 of subclause 44 (b) (i), subclause 44 (b) (ii) and clause 44 (c) of the said Act, as re-enacted by subsection (1) of this section, apply to payments accruing on and after

the 1st day of July, 1980, but nothing therein entitles a person to claim additional compensation for any period prior to the 1st day of July, 1980.

- 6.—(1) Subsection 45 (1) of the said Act is amended by striking out ^{s. 45 (1), amended} “\$18,500” in the fourth line and inserting in lieu thereof “\$22,200”.
- (2) Subsection 45 (1) of the said Act, as amended by subsection ^{Application} (1) of this section, applies to accidents occurring on and after the 1st day of July, 1981, and to benefits arising under subsection 42 (1) and subsection 43 (9) of the Act, as enacted by section 4 of this Act, but does not apply to a commutation lump sum award previously made, including an award under subsection 43 (4), or to an award made under subsection 43 (6), or to an award under clause 44 (b) of the Act, and nothing in subsection (1) of this section entitles any person to claim additional compensation for any period prior to the 1st day of July, 1981.
- 7.—(1) Clause 52 (3) (b) of the said Act is repealed and the following ^{s. 52 (3) (b), re-enacted} substituted therefor:
- (b) on application, an allowance not exceeding \$290 per annum for the replacement or repair of clothing worn or damaged by reason of the wearing of a lower limb prosthesis or a back brace for a permanent back disability or a permanent leg brace, and not exceeding \$145 per annum in respect of an upper limb prosthesis, where such lower or upper limb prosthesis, back brace or permanent leg brace is supplied by the Board,
- (2) Clause 52 (3) (b) of the said Act, as re-enacted by subsection ^{Application} (1) of this section, applies to payments accruing on and after the 1st day of July, 1981, but nothing therein entitles any person to claim additional payment for any period before the 1st day of July, 1981.
8. This Act comes into force on the day it receives Royal Assent. <sup>Commence-
ment</sup>
9. The short title of this Act is the *Workmen's Compensation Amendment Act, 1981*. ^{Short title}

CHAPTER 31

An Act to amend the Dog Licensing and Live Stock and Poultry Protection Act*Assented to October 30th, 1981*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsections 16 (2) and (3) of the *Dog Licensing and Live Stock and Poultry Protection Act*, being chapter 123 of the Revised Statutes of Ontario, 1980, are repealed and the following substituted therefor:

s. 16 (2, 3),
re-enacted

(2) For the purposes of this section, every agricultural representative and every assistant agricultural representative is *ex officio* a valuer in territory without municipal organization.

Valuers in
unorganized
territory

(3) Every agricultural representative to whom subsection (2) applies shall designate a person or persons who may carry out the duties of the agricultural representative or assistant agricultural representative, as the case may be, as a valuer in all cases where the agricultural representative or assistant agricultural representative is absent or otherwise unable to carry out his duties as a valuer under this section.

Designation
by
agricultural
representative

(4) Where, in territory without municipal organization, live stock or poultry are killed or injured by a wolf, the Commissioner may pay compensation to the owner of the live stock or poultry for the amount of the damage determined in accordance with this section.

Payment of
compensation

(5) Where, in territory without municipal organization, the owner of live stock or poultry discovers that any of his live stock or poultry has been killed or injured and to the best of his knowledge and belief such killing or injuring was done by a wolf, he shall immediately notify a valuer, and such valuer shall immediately make full investigation and shall make his report in writing within ten days thereafter to the Commissioner giving in detail the extent and amount of the damage and his award therefor, and he shall at

Investigation
and report
by valuer

the same time forward a copy of such report to the owner of the live stock or poultry.

Affidavit
of owner

(6) Where an owner of live stock or poultry notifies a valuer under subsection (5), such owner shall, within ten days, file with the Commissioner an affidavit that to the best of his knowledge and belief the live stock or poultry were killed or injured by a wolf.

Denial of
liability

(7) Where the valuer finds evidence that to the best of his knowledge and belief shows,

- (a) that any of the live stock or poultry was not killed or injured by a wolf; or
- (b) that the owner had not taken reasonable care to prevent the killing or injuring of his live stock or poultry by wolves,

the valuer shall include in his report to the Commissioner and to the owner of the live stock or poultry a statement of his belief and shall make forthwith a further report to the Commissioner giving particulars of the evidence found, and the Commissioner may thereupon deny liability in whole or in part by written notice given by the Commissioner to the owner of the live stock or poultry within thirty days after the filing of his affidavit with the Commissioner.

Report

(8) The valuer shall include in his report a finding as to whether the live stock or poultry were killed or injured by wolves.

Damages
limited

(9) The amount of damage incurred by an owner shall not include damage incurred under the circumstances set out in clause 7 (a) or (b) and for which the Commissioner has denied liability in accordance with subsection (7).

Where
carcass
not to be
destroyed

(10) No owner of live stock or poultry shall destroy or permit to be destroyed the carcass of any live stock or poultry reported killed under subsection (5) until the carcass has been seen by the valuer.

Appeal to
Commissioner

(11) Where the owner of live stock or poultry is dissatisfied with the report of the valuer made under subsection (5), the owner may appeal to the Commissioner who shall name a valuer, and the valuer so named shall make a further investigation and report.

Time for
appeal;
deposit

(12) Such appeal shall be made within thirty days after the making of the report to the Commissioner by the valuer under subsection (5), and \$25 shall be deposited with the Commissioner

at the time of making the appeal to be forfeited to the Crown if the report of the valuer is sustained on an appeal under this section.

(13) A copy of the report of a valuer named by the Commissioner under subsection (11) shall be forwarded by the Commissioner as soon as practicable to the owner of the live stock or poultry.

Report of valuer appointed by Commissioner

(14) A valuer named by the Commissioner under subsection (11) shall, where applicable, include in his report a statement of his belief that the amount of damage to live stock or poultry includes damage incurred under the circumstances set out in clause (7) (a) or (b), and the Commissioner may thereupon deny liability in whole or in part by written notice given by him to the owner of the live stock or poultry within thirty days after receipt of the report of the valuer.

Idem

(15) Where the owner of live stock or poultry is dissatisfied with the report of the valuer made under subsection (11), the owner may, within thirty days after receipt of the report, appeal to a judge of the district court of the district in which he resides, and the judge may determine liability and, subject to subsection (16), the amount payable to the owner.

Appeal from report of valuer

(16) No compensation shall be paid to an owner in excess of the maximum amount prescribed for live stock or poultry in the regulations made for the purposes of subsection 11 (14).

Amount of compensation

- 2. This Act comes into force on the day it receives Royal Assent.
 - 3. The short title of this Act is the *Dog Licensing and Live Stock and Poultry Protection Amendment Act, 1981.*
- Commencement
Short title

CHAPTER 32

An Act respecting the Marketing of Sheep and Wool

Assented to October 30th, 1981

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Association" means The Ontario Sheep Association incorporated under the *Agricultural Associations Act*; R.S.O. 1980,
c. 8
- (b) "buyer" means a person engaged in buying sheep or wool from producers of sheep or wool in Ontario;
- (c) "inspector" means an inspector appointed for the purposes of this Act;
- (d) "licence" means a licence issued under this Act;
- (e) "Minister" means the Minister of Agriculture and Food;
- (f) "regulations" means the regulations made under this Act;
- (g) "sheep" includes rams, ewes and lambs but does not include sheep that are not sold for the production of meat.

2.—(1) The purpose and intent of this Act is to provide for the financing of the Association so it may expend moneys to advance the production of sheep and wool in all its branches and improve the marketing of sheep and wool by, Purpose
and intent
of Act

- (a) encouraging and promoting improvement in all phases of sheep breeding, production and marketing;
- (b) sponsoring sales, competitive exhibitions and projects to further the interests of sheep owners;

- (c) co-operating with government and agencies of government to improve the breeding, production and marketing of sheep and the production and marketing of wool;
- (d) holding meetings for the consideration of questions relating to the sheep and wool industry;
- (e) co-operating with organizations of producers of agricultural products;
- (f) collecting, arranging, assembling and disseminating information; and
- (g) making representations to all levels of government and to agencies of government.

Use of
licence
fees by
Association

(2) The Association may use licence fees paid to it under this Act for defraying the expenses of the Association in doing any thing referred to in subsection (1) and in carrying out its objects.

Exemption

3.—(1) A person who sells sheep produced by him directly to another producer of sheep or directly to a consumer is exempt from this Act in respect of such sheep.

Idem

(2) A person who sells wool produced by him directly to another producer of wool or directly to a consumer is exempt from this Act in respect of such wool.

Licences

4.—(1) Except under the authority of a licence, no person shall sell sheep to a buyer.

Idem

(2) Every person who sells sheep to a buyer shall be deemed to be the holder of a licence, except when in default of payment of licence fees prescribed under this Act.

Licences

5.—(1) Except under the authority of a licence, no person shall sell wool to a buyer.

Idem

(2) Every person who sells wool to a buyer shall be deemed to be the holder of a licence, except when in default of payment of licence fees prescribed under this Act.

Refund of
licence fees

6.—(1) Every person who is the holder of a licence under section 4 or 5 may apply for a refund of any licence fees paid by him to the Association under this Act.

Idem

(2) Every application for a refund shall be made in the manner prescribed in the regulations.

Idem

(3) Where the Association receives an application for a refund, it shall refund the licence fees in the manner prescribed in the

regulations and in any case not later than six months after receipt of the application therefor.

(4) Any person who is a producer and a buyer is entitled in his respective capacities as a producer and as a buyer to all the rights and privileges and is subject to all the duties and obligations of a producer and of a buyer. Producer-buyer

(5) Any person who is a producer and a buyer shall be deemed to have received in his capacity as a buyer from himself in his capacity as a producer the sheep or wool produced by him that he buys, and to have contracted in that capacity with himself in his capacity as a producer for the marketing thereof upon the condition that this Act and regulations apply. Idem

7. Where the board of directors of the Association is of the opinion that a majority of the members of the Association are in favour thereof, the board of directors may recommend through the Minister to the Lieutenant Governor in Council the making, amending or revoking of regulations respecting any of the matters set forth in section 8. Recommendations by directors of Association

8.—(1) Notwithstanding section 7, the Lieutenant Governor in Council may make regulations, Regulations

- (a) fixing the amount of licence fees up to but not exceeding one and one-half per cent of the sale price of any sheep and any wool;
- (b) requiring persons to pay to the Association licence fees owing by them;
- (c) requiring any buyer who receives sheep or wool from a seller thereof to deduct, from the moneys payable to the seller, any licence fee payable by the seller to the Association, and to forward such licence fees to the Association;
- (d) providing for the recovery by the Association of licence fees owing to the Association by suit in a court of competent jurisdiction;
- (e) prescribing the manner in which applications for refund of licence fees shall be made and the manner in which refunds shall be made;
- (f) providing for the exemption from any or all of the regulations of any sheep or wool or class thereof or any person or class of persons;

(g) prescribing the duties of inspectors;

(h) prescribing forms and providing for their use.

Application
of regulations

(2) Any regulation may be limited as to time or place, or to both.

Definitions

(3) Any word or expression used in a regulation may be defined in the regulation for the purposes of the regulation.

Appointment
of inspectors

9. The Lieutenant Governor in Council may appoint inspectors for the purposes of this Act.

Powers of
inspectors

10.—(1) For the purposes of enforcing this Act and the regulations, an inspector may, during normal business hours, enter any premises, other than a dwelling, that he has reason to believe is used by a buyer for receiving, assembling or storing wool or for receiving, assembling or slaughtering sheep, or an office used in connection therewith.

Production of
documents

(2) For the purpose of enforcing this Act and the regulations, an inspector may demand the production or furnishing by the owner or custodian thereof of any books, records, documents or extracts therefrom, in a place referred to in subsection (1), relating to sheep or wool.

Idem

(3) Where an inspector demands the production or furnishing of books, records, documents or extracts therefrom the person having custody thereof shall produce or furnish them to the inspector, and the inspector may detain them for the purpose of photocopying them, provided such photocopying is carried out with reasonable dispatch and the inspector shall forthwith thereafter return them to the person who produced or furnished them.

Photocopy
as evidence

(4) Where a book, record, document or extract has been photocopied under subsection (3), a photocopy purporting to be certified by an inspector to be a copy made pursuant to subsection (3) is admissible in evidence and has the same probative force as the original document would have had if it had been proven in the ordinary way.

Demand
to be in
writing

(5) Where an inspector makes a demand under subsection (2), the demand shall be in writing and shall include a statement of the nature of the investigation and the general nature of the books, records, documents or extracts required.

Obstruction
of inspector

(6) No person shall hinder or obstruct an inspector in the course of his duties or furnish him with false information or refuse to furnish him with information relating to his duties under this section.

11. The production by an inspector of a certificate of his appointment purporting to be signed by the Minister is admissible in evidence as *prima facie* proof of the facts stated in the certificate and of the authority of the inspector to exercise the powers and perform the duties prescribed in this Act and the regulations. Certificate of appointment of inspector

12. Every person who contravenes any of the provisions of this Act or the regulations is guilty of an offence and on conviction is liable for a first offence to a fine of not more than \$100 and for a subsequent offence to a fine of not more than \$500. Offence

13. The *Wool Marketing Act*, being chapter 538 of the Revised Statutes of Ontario, 1980, is repealed. Repeals

14. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commencement

15. The short title of this Act is the *Sheep and Wool Marketing Act, 1981*. Short title

CHAPTER 33

An Act to amend the Racing Commission Act

Assented to October 30th, 1981

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 9 of the *Racing Commission Act*, being chapter 429 of the Revised Statutes of Ontario, 1980, is repealed. s. 9,
repealed
2. Clause 11 (*m*) of the said Act is amended by inserting after "analysts" in the first line "secretarial assistants, judges". s. 11 (*m*),
amended
3. This Act comes into force on the day it receives Royal Assent. Commence-
ment
4. The short title of this Act is the *Racing Commission Amendment Act, 1981*. Short title

CHAPTER 34

**An Act to establish
a Corporation to Promote Innovation
Development for Employment Advancement**

Assented to October 30th, 1981

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

INTERPRETATION

1. In this Act,

Inter-
pretation

- (a) "Board" means the Board of Directors of the Corporation;
- (b) "Corporation" means the IDEA Corporation;
- (c) "equity share" means any share of any class of shares of a corporation carrying voting rights under all circumstances;
- (d) "industrial property" means all patents of invention, copyrights, industrial designs, and any other intellectual or industrial property rights in every country where the same exist from time to time, all applications therefor arising from or acquired in connection therewith and all right to make such applications;
- (e) "Minister" means the Treasurer of Ontario and Minister of Economics or such other member of the Executive Council to whom the administration of this Act is assigned by the Lieutenant Governor in Council.

2. Except as herein otherwise provided, the *Corporations Act* does not apply to the Corporation.

Application of
R.S.O. 1980,
c. 95

INCORPORATION

3. There is hereby established a corporation without share capital under the name of "IDEA Corporation" to promote innovation development for employment advancement.

Corporation
established

BOARD OF DIRECTORS

Composition
of Board of
Directors

4.—(1) There shall be a Board of Directors of the Corporation consisting of not fewer than five and not more than fifteen members who shall be appointed by the Lieutenant Governor in Council to hold office for a term not exceeding three years.

Idem

(2) Directors of the Corporation shall be selected from among representatives of industry, labour, universities and government.

Chairman,
president

(3) The Lieutenant Governor in Council shall designate one of the directors as chairman of the Board and another of the directors as president and chief executive officer of the Corporation.

Reappoint-
ment

(4) Each of the directors is eligible for reappointment upon the expiration of his term of office.

Remuner-
ation

(5) The Corporation may pay those of its directors who are not officers in the public service of Ontario such remuneration and expenses as may from time to time be fixed by the Lieutenant Governor in Council and such remuneration and expenses shall be part of the administration expense of the Corporation.

Seat in
Assembly not
vacated
R.S.O. 1980,
c. 235

(6) Notwithstanding anything in the *Legislative Assembly Act*, a member of the Assembly who is appointed a member of the Board is not thereby rendered ineligible as a member of the Assembly or disqualified from sitting or voting in the Assembly.

ADMINISTRATION

Chairman
to preside

5.—(1) The chairman shall preside at all meetings of the Board and, in his absence, one of the directors present thereat who is chosen so to act by the directors present shall preside and has and may exercise the powers of the chairman.

Quorum

(2) A majority of the directors constitutes a quorum for the transaction of business at meetings of the Board.

By-laws

(3) The Board may make by-laws regulating its proceedings and generally for the conduct and management of the affairs of the Corporation.

Executive
committee

6.—(1) The Board shall elect from amongst their number an executive committee consisting of not fewer than three directors, one of whom shall be the chairman of the Board, and may dele-

gate to the executive committee any powers of the Board subject to any restrictions which may be imposed by the Board.

(2) A majority of the number of members of the executive committee, or such greater number as the Board by by-law prescribes, constitutes a quorum. Quorum

7. Any by-law or resolution consented to by the signatures of all of the directors is as valid and effective as if it had been passed at a meeting of the Board held for that purpose. Approval of by-laws or resolutions

8. The Board shall manage or supervise the management of the affairs of the Corporation, but in accordance with the policy of the Government of Ontario relating to technology, research and development and innovation, the Board shall comply with any directions from time to time given to it in writing by the Lieutenant Governor in Council or the Minister with respect to the accomplishment of any of its objects or the exercise of any of its powers. Duties of Board of Directors

9. Every director and each officer or employee of the Corporation and his heirs, executors and administrators shall be indemnified and saved harmless by the Corporation from and against all costs, charges and expenses that he sustains or incurs in or about any action, suit or proceeding that is brought, commenced or prosecuted against him for or in respect of any act, deed, matter or other thing, made, done, or permitted by him in or about the execution of the duties of his office or employment and any payments made by the Corporation with respect to such costs, charges and expenses shall be part of the administration expense of the Corporation. Indemnification of directors

OBJECTS AND POWERS OF THE CORPORATION

10.—(1) The objects of the Corporation are to, Objects

- (a) promote the process of technological innovation in Ontario, both on a province-wide and a regional basis;
- (b) bring together the research capacities of the public sector with the commercial and industrial sector;
- (c) enhance the growth and employment prospects of the Ontario economy, both on a province-wide and a regional basis.

(2) The Corporation, for the objects set out in subsection (1), possesses power to, Powers

- (a) encourage and promote programs of research, design, development and demonstration of all types of tech-

nology applicable to industry and commerce and of economic benefit to Ontario;

- (b) promote and develop co-operation in research and its application among corporations, governments, universities, research centres and individuals;
- (c) acquire, develop and deal in industrial property, licences, inventions and processes and the royalties and benefits flowing therefrom;
- (d) promote and improve the capacity of universities to respond to the skill requirements of high technology industries;
- (e) provide advice to the Minister on issues related to the enhancement of technological innovation in Ontario; and
- (f) do anything that, in the opinion of the Board, can be done advantageously by the Corporation in connection with or ancillary to the carrying out of the objects of the Corporation set out in clauses (a) to (e).

Idem

(3) Notwithstanding anything contained in subsection (1) or (2), the Corporation shall not directly or actively engage in programs of research and development itself but shall commission all such programs through the facilities of industry, universities or other government agencies.

Idem

(4) In carrying out the objects of the Corporation under subsection (1), the Corporation may provide financial assistance by way of grant, loan, guarantee or purchase of equity shares or other securities.

Approval of
Lieutenant
Governor in
Council

(5) The Lieutenant Governor in Council may, by regulation, require the approval by the Lieutenant Governor in Council to the exercise of all or any of the powers of the Corporation conferred under subsection (4).

Validity

(6) Every guarantee executed under the seal of the Corporation and signed by the Treasurer of Ontario and given or purporting to be given under the authority of this section is binding upon the Province of Ontario.

Corporation
may acquire
equity
shares

11.—(1) In exchange for participating in the funding of any research and development, the Corporation may require the recipient to provide for and to issue equity shares to the Corporation and the Corporation may acquire, hold and otherwise deal in such shares.

(2) The Corporation may, as a condition of providing any funding, Conditions of funding

(a) require repayment of the whole or any part of a grant where the grant is used to acquire property and the property is disposed of, lost, damaged or destroyed, or ceases to be used by the recipient for purposes of research and development in Canada within a prescribed period; or

(b) enter into an agreement with the recipient to provide for participation by the Corporation in the ownership, licensing, royalties or use of any industrial property flowing from research and development by the recipient.

(3) Any net income of the Corporation may be paid into the Consolidated Revenue Fund at such time and in such manner as the Lieutenant Governor in Council may direct. Income to be paid into C.R.F.

12. The Corporation possesses as incidental and ancillary to its objects those powers contained in subsection 23 (1) of the *Corporations Act*, except clauses (b), (j), (k), (l), (q), (r) and (t) of that subsection. Incidental and ancillary powers R.S.O. 1980, c. 95

13.—(1) In exercising its powers under this Act, the Corporation shall, where appropriate, make use of the services and facilities of any ministry, board, commission or agency of the Government of Ontario. Use of services and facilities of ministries, etc.

(2) The Corporation may engage persons under contract or otherwise or obtain the appointment under the *Public Service Act* of such persons as are considered necessary from time to time for the proper conduct of the affairs of the Corporation. Appointment of staff R.S.O. 1980, c. 418

14. The Corporation shall have a seal which shall be adopted by resolution or by-law of the Board. Corporate seal

15. The fiscal year of the Corporation commences on the 1st day of April in each year and ends on the 31st day of March in the following year. Fiscal year

ANNUAL REPORT AND AUDIT

16.—(1) The Corporation shall, after the close of each fiscal year, deliver to the Minister an annual report upon the affairs of the Corporation signed by the chairman and one other director of Annual report

the Board, and the Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Additional
report

(2) In addition to making an annual report under subsection (1), the Corporation shall make to the Minister such other report on its affairs as the Minister from time to time may require.

Contents
of annual
report

(3) At least in every third annual report made under subsection (1), the Corporation shall report to the Minister on whether or not the mandate of the Corporation has been completed and whether or not the Corporation should continue in existence.

Idem

(4) Where the Corporation reports under subsection (3) that its mandate has been completed, the Corporation shall recommend the most expeditious means by which the business and affairs of the Corporation may be terminated.

Audit

17. The accounts and financial transactions of the Corporation shall be audited annually by the Provincial Auditor, and reports of the audit shall be made to the Corporation and to the Minister.

Corporation a
Crown agency
R.S.O. 1980,
c. 106

18. The Corporation is a Crown agency within the meaning of the *Crown Agency Act*.

Regulations

19. The Lieutenant Governor in Council may make regulations,

(a) providing for the termination of the affairs of the Corporation and the transfer of all assets, rights, obligations and liabilities of the Corporation to Her Majesty the Queen in right of the Province of Ontario;

(b) for the purposes of subsection 10 (5), requiring the approval of the Lieutenant Governor in Council to the exercise of any or all of the powers of the Corporation.

Commence-
ment

20. This Act comes into force on the day it receives Royal Assent.

Short title

21. The short title of this Act is the *IDEA Corporation Act, 1981*.

CHAPTER 35

An Act to amend the Small Business Development Corporations Act

Assented to October 30th, 1981

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of the *Small Business Development Corporations Act*, being chapter 475 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following subsection:

(9) For the purposes of this Act, a corporation is offering its equity shares to the public only where, s. 1.
amended
Offering
equity shares
to public

(a) in respect of any of its equity shares a prospectus has been filed under the *Securities Act* or any predecessor thereof so long as any of such equity shares are outstanding; or R.S.O. 1980,
c. 466

(b) any of its equity shares have been at any time since the 20th day of May, 1981, listed and posted for trading on any stock exchange in Ontario recognized by the Ontario Securities Commission regardless of when such listing and posting for trading commenced,

except that where, upon the application of a corporation that has fewer than fifteen holders of equity shares, the Commission is satisfied, in its discretion, that to do so would not be prejudicial to the public interest, the Commission may order, subject to such terms and conditions as it may impose, that the corporation shall be deemed to have ceased to be offering its equity shares to the public.

2. Clause 4 (c) of the said Act is repealed and the following substituted therefor: s. 4 (c).
re-enacted

(c) its equity shares are without par value and may be issued for an aggregate consideration of not less than \$100,000 and not more than,

(i) \$5,000,000 in the case of a corporation that is not offering its equity shares to the public, and

(ii) \$10,000,000 in the case of a corporation that is offering its equity shares to the public.

s. 7 (4),
amended

3.—(1) Subsection 7 (4) of the said Act is amended by inserting after “\$5,000,000” in the fourth line “if the corporation is not offering its equity shares to the public and not more than \$10,000,000 if the corporation is offering its equity shares to the public”.

s. 7,
amended

(2) Section 7 of the said Act is amended by adding thereto the following subsection:

Idem

(5) A small business development corporation shall not maintain more than \$5,000,000 of its equity capital in any single small business.

s. 9 (1) (c),
amended

4.—(1) Clause 9 (1) (c) of the said Act is amended by striking out “equity” in the seventh line.

s. 9 (1) (d),
amended

(2) Clause 9 (1) (d) of the said Act is amended by striking out “or” at the end of subclause (ii) and by adding thereto the following subclauses:

(iv) purchasing or acquiring the securities of any person, or

(v) investment for any prescribed purpose or object.

s. 9 (1),
amended

(3) Subsection 9 (1) of the said Act is amended by adding thereto the following clauses:

(ea) the aggregate of eligible investments made by two or more small business development corporations in a small business does not exceed 60 per cent, determined in accordance with subsection (2), of the issued and outstanding equity shares of the small business;

(eb) the aggregate of eligible investments made by the small business development corporation in any small business does not exceed \$5,000,000.

s. 9 (2),
amended

(4) Subsection 9 (2) of the said Act is amended by inserting after “(e)” in the third line “or (ea)”.

s. 12 (1) (a) (ii),
re-enacted

5.—(1) Subclause 12 (1) (a) (ii) of the said Act is repealed and the following substituted therefor:

- (ii) an officer or director or an associate thereof of a small business development corporation that proposes to invest or has invested in such small business or an officer or director or an associate thereof of a major shareholder of such small business development corporation, or

(2) Subsection 12 (1) of the said Act is amended by adding "or" at the end of clause (b) and by adding thereto the following clauses: s. 12 (1),
amended

- (c) such small business or an associate or affiliated corporation of such small business or a shareholder of such small business or an associate or affiliated corporation of such shareholder, directly or indirectly provides, by means of a loan, guarantee, the provision of security or otherwise, any financial assistance for the purpose of, or in connection with the purchase of shares of the small business development corporation; or

- (d) the aggregate of eligible investments made by two or more small business development corporations in a small business will exceed 60 per cent of the issued and outstanding equity shares of the small business.

6. Clause 17 (2) (a) of the said Act is repealed and the following substituted therefor: s. 17 (2) (a),
re-enacted

- (a) the proposed amendment of its articles of incorporation.

7. This Act shall be deemed to have come into force on the 20th day of May, 1981. Commence-
ment

8. The short title of this Act is the *Small Business Development Corporations Amendment Act, 1981*. Short title

CHAPTER 36

An Act to amend the Live Stock Branding Act

Assented to October 30th, 1981

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Clause 1 (b) of the *Live Stock Branding Act*, being chapter 246 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor: s. 1 (b),
re-enacted

(b) "live stock" means a horse, head of cattle, sheep, fowl and such additional class or classes of animals as are prescribed in the regulations.

- (2) Section 1 of the said Act is amended by adding thereto the following clause: s. 1,
amended

(e) "regulations" means the regulations made under this Act.

2. Subsection 2 (2) of the said Act is repealed and the following substituted therefor: s. 2 (2),
re-enacted

(2) Every brand shall be recorded in the manner prescribed in this Act and the fees payable in respect of such brand are those prescribed in the regulations. Recording
brand and
fees

3. The said Act is amended by adding thereto the following section: s. 2a,
enacted

2a. This Act does not apply to a brand that is, Exception

(a) applied to one specific animal and unique to that animal; and

(b) part of a system designed to identify individual animals in a program for the breeding of pure-bred live stock.

4. Section 6 of the said Act is repealed and the following substituted therefor: s. 6,
re-enacted

6. The Minister may make regulations,

Regulations

- (a) prescribing an additional class or classes of animals as live stock;
- (b) prescribing fees to be paid by persons for allotment of a brand, renewal of allotment of a brand, change in the record of a brand, transfer of a recorded brand, search of a brand record and certified extract from the brand records; and
- (c) prescribing forms and providing for their use.

Schedule,
repealed

5. The Schedule to the said Act is repealed.

Commence-
ment

6. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

7. The short title of this Act is the *Live Stock Branding Amendment Act, 1981*.

CHAPTER 37

**An Act to amend the
Corporations Tax Act***Assented to October 30th, 1981*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Clauses 1 (1) (d) and (e) of the *Corporations Tax Act*, being chapter 97 of the Revised Statutes of Ontario, 1980, are repealed and the following substituted therefor:

(d) “family farm corporation” means a corporation that is throughout the taxation year a corporation,

(i) all shares of the capital stock of which that confer on the holder thereof the right to vote were owned by one individual ordinarily resident in Canada or by that individual and a member or members of his family ordinarily resident in Canada or by another family farm corporation,

(ii) 75 per cent of the assets of which were farming assets, and

(iii) which carried on the business of farming in Ontario through the employment of a shareholder or a member of his family actually engaged in the operation of the farm;

(e) “family fishing corporation” means a corporation that is throughout the taxation year a corporation,

(i) all shares of the capital stock of which that confer on the holder thereof the right to vote were owned by one individual ordinarily resident in Canada or by that individual and a member or members of his family ordinarily

resident in Canada or by another family fishing corporation,

- (ii) 75 per cent of the assets of which were fishing assets, and
- (iii) which carried on the business of fishing in Ontario through the employment of a shareholder or a member of his family actually engaged in the operation of the business.

s. 1 (1) (f),
amended

(2) Clause 1 (1) (f) of the said Act is amended by adding thereto the following subclause:

- (vi) a mortgage taken by the family farm corporation as security for the balance of the sale price on its sale of farming assets referred to in subclause ii, provided that the amount of the aggregate of its remaining farming assets referred to in subclauses (i) to (v) exceeds 50 per cent of its assets.

s. 5 (8),
re-enacted

2.—(1) Subsection 5 (8) of the said Act is repealed and the following substituted therefor:

Idem

(8) The fact that a non-resident corporation in a taxation year produced, grew, mined, created, manufactured, fabricated, improved, packed, preserved or constructed in whole or in part anything in Canada, whether or not the corporation exported that thing without selling it prior to exportation, shall of itself, for the purposes of this Act, be deemed to mean that the corporation maintained a permanent establishment at any place where the corporation did any of those things in the taxation year.

s. 5 (11),
re-enacted

(2) Subsection 5 (11) of the said Act is repealed and the following substituted therefor:

Idem

(11) Where a corporation does not otherwise have a permanent establishment in Canada, it has a permanent establishment in the place designated in its charter or by-laws as being its head office or registered office.

s. 12,
amended

3. Section 12 of the said Act is amended by adding thereto the following subsection:

(9a) For the purposes of this Act, subsection 20 (12) of the *Income Tax Act* (Canada) does not apply to allow a deduction in computing the income of a corporation for a taxation year except to the extent that the portion of the foreign non-business income tax paid by the corporation to which the subsection applies was not deducted pursuant to subsection 126 (1) of the *Income Tax Act* (Canada). Foreign non-business income tax R.S.C. 1952, c. 148

4. Subsection 14 (3) of the said Act is repealed and the following substituted therefor: s. 14 (3), re-enacted

(3) In the application of section 59 of the *Income Tax Act* (Canada) for the purposes of this Act, Disposition of resource property

(a) subsection (1), paragraphs 2 (b) and (e), subsection (3), and paragraph (3.2) (a) of the said section are not applicable; and

(b) the references in subsections (2) and (2.1) of the said section to amounts deducted as a reserve in computing income for the immediately preceding taxation year shall include any amount deducted under section 16 of this Act in computing income for the immediately preceding taxation year.

5. Subsections 16 (1) and (3) of the said Act are repealed and the following substituted therefor: s. 16 (1), re-enacted; s. 16 (3), repealed

(1) Section 64 of the *Income Tax Act* (Canada), except paragraph (1) (a) thereof and subsection (2) thereof, is applicable for the purposes of this Act in so far as the said section applies to corporations. Reserves in respect of consideration for disposition of resource property not due until subsequent year

- 6.—(1) Sub-subclause 18 (2) (b) (ii) (C) of the said Act is repealed and the following substituted therefor: s. 18 (2) (b) (ii) (C), re-enacted

(C) the aggregate of amounts each of which is an amount, in respect of a Canadian resource property or a property referred to in paragraph 59 (1.2) (b) of the *Income Tax Act* (Canada) or subsection 59 (3.1) of that Act that has been disposed of by it, equal to the amount, if any, by which,

1. the amount included in computing its income for the taxation year by virtue of subsection 14 (3) in respect of the disposition of the property,

exceeds,

2. the amount deducted under section 16 in respect of the property in computing its income for the taxation year,

s. 18 (5),
re-enacted

- (2) Subsection 18 (5) of the said Act is repealed and the following substituted therefor:

Canadian
exploration
and develop-
ment expenses
deductible by
successor cor-
poration and
second succes-
sor
corporation
R.S.C. 1952,
c. 148

- (5) There may be deducted in computing the income for a taxation year of a corporation that is a successor corporation or a second successor corporation, as the case may be, within the meaning of subsection 66 (6) or (7) of the *Income Tax Act* (Canada), the amount, if any, that would be deductible by it under either of those subsections on the basis that,

- (a) the reference in paragraph (b) of each of the said subsections,

- (i) to "this section" is deemed to be a reference to this section of this Act, and

- (ii) to the *Income Tax Application Rules, 1971*, is deemed to be a reference to the *Corporations Tax Application Rules, 1972*; and

- (b) the references in the said subsections to "Canadian exploration and development expenses" are deemed to be references to Canadian exploration and development expenses incurred before the 20th day of May, 1981.

s. 18,
amended

- (3) Section 18 of the said Act is amended by adding thereto the following subsection:

Idem

- (6a) Subsections 66 (10.1), (10.2) and (10.3) of the *Income Tax Act* (Canada) are applicable for the purposes of this Act.

s. 18 (7),
re-enacted

- (4) Subsection 18 (7) of the said Act is repealed and the following substituted therefor:

Control
change

- (7) Subsection 66 (11) of the *Income Tax Act* (Canada), except paragraph (e) thereof, is applicable for the purposes of this Act.

s. 18 (9),
re-enacted

- (5) Subsection 18 (9) of the said Act is repealed and the following substituted therefor:

Limitations

- (9) Except as otherwise provided in this section or section 18a, where a corporation has incurred an outlay or expense in respect of which a deduction from income is authorized under more than

one provision of this section or section 18a, the corporation is not entitled to make the deduction under more than one provision but is entitled to select the provision under which to make the deduction.

- (6) Subsections 18 (11) and (12) are repealed and the following substituted therefor: s. 18 (11, 12), re-enacted

(11) Subsection 66 (12.1) of the *Income Tax Act* (Canada) is applicable for the purposes of this Act in so far as the said subsection applies to corporations, except that, in its application for the purposes of this Act, the reference in paragraph (a) thereof to "before May 7, 1974" shall be deemed to be a reference to "before the 20th day of May, 1981". Limitation R.S.C. 1952, c. 148

(12) Subsections 66 (12.2), (12.3) and (12.5) of the *Income Tax Act* (Canada) are, in so far as the said subsections apply to corporations, applicable for the purposes of this Act except that, in the application of the said subsection (12.2) for the purposes of this Act, the reference therein to "before May 7, 1974" shall be deemed to be a reference to "before the 20th day of May, 1981". Unitized oil or gas field in Canada

- (7) Subsections 18 (14) and (15) of the said Act are repealed and the following substituted therefor: s. 18 (14, 15), re-enacted

(14) In this section and section 18a and in the provisions of the *Income Tax Act* (Canada) made applicable for the purposes of this Act, Interpretation

(a) "agreed portion" has the meaning given to that expression by paragraph 66 (15) (a) of the *Income Tax Act* (Canada);

(b) "Canadian exploration and development expenses" incurred by a corporation means any expense incurred before the 20th day of May, 1981 that is,

(i) any drilling or exploration expense, including any general geological or geophysical expense, incurred by the corporation after 1971 on or in respect of exploring or drilling for petroleum or natural gas in Canada,

(ii) any prospecting, exploration or development expense incurred by it after 1971 in searching for minerals in Canada,

(iii) notwithstanding paragraph 18 (1) (m) of the *Income Tax Act* (Canada), as that section

applies to this Act by virtue of section 12 of this Act, the cost to the corporation of a Canadian resource property, but for greater certainty not including any payment made to any of the persons referred to in any of the subparagraphs (i) to (iii) of the said paragraph (*m*) for the preservation of a person's rights in respect of a Canadian resource property or a property that would have been a Canadian resource property if it had been acquired by the corporation after 1971, and not including a payment to which the said paragraph (*m*) applied by virtue of subparagraph (v) thereof,

- (iv) the corporation's share of any of the expenses referred to in subclauses (i), (ii) and (iii) incurred after 1971 by any association, partnership or syndicate in a fiscal period thereof, if at the end of that fiscal period the corporation was a member or partner thereof, and
- (v) any expenses referred to in subclauses (i), (ii) and (iii) incurred after 1971 pursuant to an agreement with another corporation under which the corporation incurred the expense solely in consideration for shares of the capital stock of the other corporation issued to it by the other corporation or any interest in such shares or right thereto,

but for greater certainty, does not include,

- (vi) any consideration given by the corporation for any share or any interest therein or right thereto, except as provided by subclause (v), or
- (vii) any expense described in subclause (v) incurred by another person to the extent that the expense was, by virtue of subclause (v), a Canadian exploration and development expense of that other person,

but no amount of assistance or benefit that a corporation has received or is entitled to receive after the 25th day of May, 1976 in respect of or related to its Canadian exploration and development expenses made or incurred before the 1st day of January, 1981, from a government, municipality or other public authority whether as a grant, subsidy, forgivable loan, deduction from royalty or tax, investment allowance or any other form of assistance or benefit, shall reduce the amount of any of the expenses described in any of subclauses (i) to (v);

- (c) "drilling or exploration expense" incurred on or in respect of exploring or drilling for petroleum or natural gas has the meaning given to that expression by paragraph 66 (15) (d) of the *Income Tax Act* (Canada); R.S.C. 1952,
c. 148
- (d) "joint exploration corporation" has the meaning given to that expression by paragraph 66 (15) (g) of the *Income Tax Act* (Canada);
- (e) "oil or gas well" has the meaning given to that expression by paragraph 66 (15) (g.1) of the *Income Tax Act* (Canada);
- (f) "Ontario exploration and development expenses" incurred by a corporation means any expenses that would be Canadian exploration and development expenses incurred by the corporation if clause (b) of this subsection were read as if the references therein to,
- (i) "in Canada" were references to "in Ontario",
 - (ii) "after 1971" were references to "after the 9th day of April, 1974 and before the 20th day of May, 1981", and
 - (iii) "Canadian" were references to "Ontario";
- (g) "Ontario resource property" of a corporation means any property that would be a Canadian resource property of the corporation within the meaning of paragraph 66 (15) (c) of the *Income Tax Act* (Canada) if that paragraph were read as if the references therein to,
- (i) "in Canada" were references to "in Ontario", and
 - (ii) "after 1971" were references to "after the 9th day of April, 1974 and before the 20th day of May, 1981";
- (h) "outlay" or "expense" have the meaning given to those expressions by paragraph 66 (15) (g.2) of the *Income Tax Act* (Canada);
- (i) "principal-business corporation" has the meaning given to that expression by paragraph 66 (15) (h) of the *Income Tax Act* (Canada);

R.S.C. 1952,
c. 148

Application

s. 18a,
enacted

Canadian
exploration
expense,
Canadian
development
expense and
Canadian oil
and gas
property
expense

(j) "shareholder corporation" of a joint exploration corporation has the meaning given to that expression by paragraph 66 (15) (i) of the *Income Tax Act* (Canada).

(15) For the purposes of clause 1 (2) (d), this section applies in lieu of section 66 of the *Income Tax Act* (Canada).

7. The said Act is amended by adding thereto the following section:

18a. Sections 66.1, 66.2 and 66.4 of the *Income Tax Act* (Canada) are applicable for the purposes of this Act in so far as the said sections apply to corporations except that, in the application of the said sections for the purposes of this Act,

(a) the references therein to "Canadian exploration expense", "Canadian development expense", "Canadian oil and gas property expense", "cumulative Canadian exploration expense", "cumulative Canadian development expense" and "cumulative Canadian oil and gas property expense" shall be deemed to be references to such of those outlays or expenses as are made or incurred after the 19th day of May, 1981;

(b) in addition to the deduction provided under this section by virtue of subsection 66.2 (2) of the *Income Tax Act* (Canada), a corporation may claim in respect of its Canadian development expenses made or incurred in Ontario in the taxation year or in a previous taxation year a deduction of an amount equal to 70 per cent of the amount, if any, by which,

(i) the aggregate of the amounts described in subparagraphs 66.2 (5) (b) (i) to (iii) of the *Income Tax Act* (Canada) that are in respect of expenses made or incurred in Ontario,

exceeds the aggregate of all amounts each of which is,

(ii) any amount previously deducted in computing its income for a taxation year by virtue of this clause, or

(iii) the aggregate of the amounts described in subparagraphs 66.2 (5) (b) (iv) to (xi) of the *Income Tax Act* (Canada) that are in respect of expenses incurred in Ontario; and

(c) for the purpose of computing a corporation's cumulative Canadian development expense at any time, any

amount deducted by virtue of clause (b) in computing income for a taxation year ending before that time shall be deemed to be an amount deducted in computing its income for a taxation year ending before that time, but such amount shall not be included in computing the amount under subclause (b) (iii).

8. Section 29 of the said Act is amended by adding thereto the following subsection: s. 29, amended

(2) For the purpose of subsection (1), the taxable income earned in Canada of a corporation to which clause 2 (3) (b) applies shall not include any amount referred to in paragraph 115 (1) (b) of the *Income Tax Act* (Canada) in respect of the disposition of taxable Canadian property where a Tax Treaty or Convention between Canada and another country has determined that no tax is payable by the corporation in respect of the disposition. Idem
R.S.C. 1952, c. 148

9. Clause 49 (1) (a) of the said Act is repealed and the following substituted therefor: s. 49 (1) (a), re-enacted

(a) a corporation referred to in paragraph 149 (1) (c), (d), (e), (f), (h.1), (i), (j), (k), (m), (n), (o), (o.1) or (o.2) of the *Income Tax Act* (Canada). Charities and other corporations

- 10.—(1) Clause 53 (1) (a) of the said Act is repealed and the following substituted therefor: s. 53 (1) (a), re-enacted

(a) the paid-up capital stock of the corporation or, in the case of a corporation incorporated without share capital, the capital contributed to the corporation by its members.

- (2) Clause 53 (1) (d) of the said Act is repealed and the following substituted therefor: s. 53 (1) (d), re-enacted

(d) all sums or credits advanced or loaned to the corporation,

(i) in the case of a corporation incorporated with share capital, by its shareholders, and

(ii) in the case of a corporation incorporated without share capital, by its members,

directly or indirectly or by any person related to any of its shareholders or members, as the case may be, or by any other corporation; and

s. 54 (1) (c),
amended

- 11.**—(1) Clause 54 (1) (c) of the said Act is amended by striking out “and” at the end of subclause (ii) and by adding thereto the following subclauses:

R.S.O. 1980,
c. 249

(iv) loans and advances to any corporation doing the business of a bank or to any corporation registered under the *Loan and Trust Corporations Act* are deemed not to be loans and advances to other corporations unless they are issued for a term of 120 days or more and have been held by the corporation for at least 120 days, and

(v) bankers’ acceptances issued for a term less than 120 days are deemed not to be loans and advances to other corporations.

s. 54 (1) (d),
amended

- (2) Clause 54 (1) (d) of the said Act is amended by striking out “section 18” in the fifth line and inserting in lieu thereof “section 18 or section 18a”.

s. 54 (3),
amended

- (3) Subsection 54 (3) of the said Act is amended by adding thereto the following clause:

(d) that is an appraisal surplus of a corporation arising where its fixed assets are carried in its books of account at an amount that is in excess of the cost thereof.

s. 55 (1) (b)
(ii) (A),
re-enacted

- 12.** Sub-subclause 55 (1) (b) (ii) (A) of the said Act is repealed and the following substituted therefor:

(A) all amounts that are advanced or loaned to its permanent establishments in Canada,

1. in the case of a corporation incorporated with share capital, by its shareholders, and

2. in the case of a corporation incorporated without share capital, by its members,

directly or indirectly or by any person related to any of its shareholders or members, as the case may be, or by the corporation itself, or by any other corporation, and

13. Section 61 of the said Act is amended by adding thereto the following subsection: s. 61, amended

(4) This section does not apply to a corporation where,

Where corporation is associated or member of a partnership

(a) the corporation is associated with one or more other corporations and the aggregate of the taxable paid-up capital of the corporation and of each corporation with which it is associated exceeds \$1,000,000; or

(b) the corporation is a member of a partnership or a connected partnership as defined in subsection 125 (13) of the *Income Tax Act* (Canada), and the aggregate of,

R.S.C. 1952, c. 148

(i) the taxable paid-up capital of the corporation, and

(ii) the aggregate of the shares of the taxable paid-up capital of the partnership or the connected partnership that are allocable under subsection 53 (4) to each person related to the corporation, to the extent that such amounts are not already included in the taxable paid-up capital of the corporation by virtue of clause 53 (4) (c) or clause (a) of this subsection,

exceeds \$1,000,000.

14.—(1) Clause 70 (2) (a) of the said Act is repealed and the following substituted therefor: s. 70 (2) (a), re-enacted

(a) on or before,

(i) the last day of each month of the taxation year in respect of which the tax is payable, an instalment equal to one-twelfth of the tax payable as estimated by it at the rates for the taxation year on,

(A) its estimated taxable income and other subject of tax for the taxation year, or

(B) its first instalment base for the taxation year, or

(ii) the last day of each of the first two months of the taxation year in respect of which the tax is payable an instalment equal to one-twelfth of its second instalment base for the taxation year, and on or before the last day of each of the following ten months of the taxation year an

instalment equal to one-tenth of the amount remaining after deducting the amount computed pursuant to this subclause in respect of the first two months of the taxation year from its first instalment base for the taxation year; and

s. 70,
amended

- (2) Section 70 of the said Act is amended by adding thereto the following subsection:

Interpre-
tation

- (7) For the purpose of clause (2) (a), "first instalment base" and "second instalment base" have the meanings prescribed by regulation.

s. 71,
repealed

- 15.** Section 71 of the said Act is repealed.

s. 76 (1),
re-enacted

- 16.** Subsection 76 (1) of the said Act is repealed and the following substituted therefor:

Credit
interest
on overpaid
instalments

- (1) Where instalments of tax as required by subsection 70 (2) are overpaid at any time prior to,

(a) the day on or before which the balance of the tax payable for the taxation year is required to be paid pursuant to clause 70 (2) (b); or

(b) the day on which a refund was made upon assessment where such assessment is made before the day referred to in clause (a),

whichever is earlier, or where the balance required to be paid pursuant to clause 70 (2) (b) is overpaid prior to the date on or before which such payment was required to be made, interest at such rate as is prescribed for the purpose of subsection 75 (3) shall be allowed on the amount of the overpayment from the day on which the overpayment arose to the beginning of the period in respect of which interest is payable under subsection 75 (3).

s. 85,
amended

- 17.** Section 85 of the said Act is amended by adding thereto the following subsection:

Idem

- (4) A reassessment made by the Minister pursuant to subsection (2) is not invalid by reason only of not having been made within six years from the day of mailing of a notice of an original assessment or of a notification described in subsection 73 (7).

Commence-
ment and
application

- 18.—**(1) Section 1, subsection 2 (2), and sections 3, 10, 11 (except subclause 54 (1) (c) (iv) of the said Act as enacted by subsection 11 (1) of this Act), 12 and 13 shall be deemed to have come into force on the 20th day of May, 1981 and apply to

corporations in respect of all taxation years ending after the 19th day of May, 1981.

- (2) Subsection 2 (1) and section 15 shall be deemed to have come ^{Idem} into force on the 20th day of May, 1981 and apply to performances given after the 19th day of May, 1981.
- (3) Sections 4, 5, 6 (except that portion of clause 18 (14) (b) of the ^{Idem} said Act following subclause (vii) thereof, as enacted by section 6 of this Act), and section 7 shall be deemed to have come into force on the 20th day of May, 1981 and apply to outlays or expenses, amounts received in respect of outlays or expenses and dispositions of property made or incurred after the 19th day of May, 1981.
- (4) That portion of clause 18 (14) (b) of the said Act, following ^{Idem} subclause (vii) thereof, as enacted by section 6, shall be deemed to have come into force on the 1st day of January, 1981 and applies to corporations in respect of all taxation years ending after 1980.
- (5) Section 8 shall be deemed to have come into force on the 20th ^{Idem} day of May, 1981 and applies to dispositions of taxable Canadian property situated in Ontario made during taxation years ending after 1980.
- (6) Section 9 shall be deemed to have come into force on the 1st ^{Idem} day of January, 1979 and applies to corporations in respect of all taxation years commencing after 1978.
- (7) Subclause 54 (1) (c) (iv) of the said Act, as enacted by subsec- ^{Idem} tion 11 (1) of this Act, shall be deemed to have come into force on the 23rd day of April, 1980 and applies to corporations in respect of all taxation years ending after the 22nd day of April, 1980.
- (8) Section 14 comes into force on the 1st day of October, 1981 ^{Idem} and applies to corporations in respect of all taxation years commencing after the 30th day of September, 1981.
- (9) Sections 16 and 17 come into force on the day this Act ^{Idem} receives Royal Assent.

19. The short title of this Act is the *Corporations Tax Amendment Act*, ^{Short title} 1981.

CHAPTER 38

An Act to amend the Retail Sales Tax Act

Assented to October 30th, 1981

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 2 (9) of the *Retail Sales Tax Act*, being chapter 454 of the Revised Statutes of Ontario, 1980, is amended by inserting after “Act” in the second line “and the amount was not paid by the person to discharge liability under an assessment made under this Act”. s. 2 (9),
amended

- (2) Subsection 2 (10) of the said Act is repealed and the following substituted therefor: s. 2 (10),
re-enacted
 - (10) Subject to subsection 16 (8) and to subsection 17 (7), Idem where an assessment or reassessment under this Act or the final decision of a court in proceedings commenced under section 23 establishes that the person assessed or reassessed or the appellant, as the case may be, has overpaid the tax payable under this Act for the period covered by the assessment or reassessment, the amount of such overpayment shall be refunded to him.

- 2.—(1) Subsection 5 (1) of the said Act is amended by adding thereto the following paragraph: s. 5 (1),
amended
 - 14a. tangible personal property sold as a conversion kit to be used to convert any vehicle powered by a gasoline or diesel engine into a vehicle that meets all of the requirements for exemption under paragraph 14.

- (2) Paragraph 55 of subsection 5 (1) of the said Act is amended by striking out “and periodicals” in the first line. s. 5 (1),
par. 55,
amended

- (3) Paragraph 68 of subsection 5 (1) of the said Act is repealed and the following substituted therefor: s. 5 (1),
par. 68,
re-enacted
 68. tangible personal property that enters directly into and becomes part of real property that is a building or

structure and that, upon completion is owned by the governing board of a public hospital, school or university and used for school, university or hospital purposes, including a nurses' residence, if the cost of such tangible personal property is shown to have been directly and substantially borne by the school, university or public hospital, or the governing board thereof, that owns the building or structure into the construction of which such tangible personal property entered.

s. 22,
amended

- 3.** Section 22 of the said Act is amended by adding thereto the following subsection:

Idem

(2a) The Minister may accept a notice of objection under this section notwithstanding that it was not served in duplicate or in the manner required by subsection (2).

s. 45 (2) (d),
(ii, iii),
repealed

- 4.** Subclauses 45 (2) (d) (ii) and (iii) of the said Act are repealed.

Commence-
ment

- 5.**—(1) This Act, except subsection 2 (1), comes into force on the day it receives Royal Assent.

Idem

(2) Subsection 2 (1) shall be deemed to have come into force on the 20th day of May, 1981.

Short title

- 6.** The short title of this Act is the *Retail Sales Tax Amendment Act, 1981*.

CHAPTER 39

An Act to amend the Ministry of Community and Social Services Act

Assented to October 30th, 1981

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 5 of the *Ministry of Community and Social Services Act*, being chapter 273 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following subsection: s. 5.
amended

(2) Section 6 of the *Executive Council Act* does not apply to a deed or contract that is executed under an authorization made under subsection (1). Application of
R.S.O. 1980,
c. 147, s. 6

2. The said Act is amended by adding thereto the following sections: ss. 6a-6d,
enacted

6a. The Lieutenant Governor in Council may, from time to time, direct a payment or payments in such manner and amounts as are determined by the Lieutenant Governor in Council to any person for injury or damage inflicted upon that person by, Payments

(a) any other person who is in the care or custody or under the control or supervision of any employee of the Ministry; or

(b) any other person who is a Crown ward under the *Child Welfare Act* or the *Training Schools Act*, R.S.O. 1980,
cc. 66, 508

or for any injury suffered by any person referred to in clause (a) or (b).

6b. Where, as the result of the negligence or other wrongful act or omission of another person, any person suffers a loss for which he receives a benefit from the Ministry, the Minister is subrogated to any right of the person sustaining the loss to recover the cost incurred for a past benefit provided to the person as a result of the loss and the cost that will probably be incurred Subrogation

for future benefits, and the Minister may bring action in his own name or in the name of the person receiving the benefit for the recovery of such costs.

Inspection

6c.—(1) The Minister may designate in writing any person with power to perform an inspection of any book, record or account in respect of any payment made under any Act administered by the Ministry and may require a recipient of such payment to prepare and to submit to such person a financial statement that sets out the details of the disposition of the payment by the recipient.

Regulations,
"recipient"
defined

(2) The Lieutenant Governor in Council may make regulations defining "recipient" for the purposes of this section.

Obstruction
of
inspector

(3) No person shall obstruct the person designated under subsection (1) in the performance of an inspection of any book, record or account or conceal or destroy any books, papers, documents or things relevant to the subject-matter of the inspection.

Offence

(4) Every person who knowingly contravenes subsection (3) and every director or officer of a corporation who knowingly concurs in such contravention is guilty of an offence and on conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both.

Idem,
corporation

(5) Where a corporation is convicted of an offence under subsection (4), the maximum penalty that may be imposed upon the corporation is \$25,000 and not as provided therein.

Commissioner
for taking
affidavits
R.S.O. 1980,
cc. 75, 152

6d. The Minister may designate one or more employees of the Ministry to be a commissioner or commissioners for taking affidavits within the meaning of the *Commissioners for Taking Affidavits Act* for the purpose of the *Family Law Reform Act*.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. The short title of this Act is the *Ministry of Community and Social Services Amendment Act, 1981*.

CHAPTER 40

An Act to amend
the Live Stock Community Sales Act

Assented to October 30th, 1981

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts as
follows:

1. Subclause 2 (d) (iii) of the *Live Stock Community Sales Act*, being chapter 247 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

(iii) the corporation operates not more than six sales in any calendar year; or

.
2. Section 15 of the said Act is repealed.

s. 15,
repealed
3. This Act comes into force on the day it receives Royal Assent.

Commence-
ment
4. The short title of this Act is the *Live Stock Community Sales Amendment Act, 1981*.

Short title

CHAPTER 41

**An Act to amend the
Power Corporation Act***Assented to October 30th, 1981*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 75 of the *Power Corporation Act*, being chapter 384 of the Revised Statutes of Ontario, 1980, as amended by the Statutes of Ontario, 1981, chapter 16, section 7, is further amended by adding thereto the following clause: s. 75,
amended

(ab) the difference in the revenue of the Corporation mentioned in section 90a.

2. The said Act is amended by adding thereto the following section: s. 90a,
enacted

90a.—(1) In this section, Interpre-
tation

- (a) “municipal commission” means municipal corporation or municipal commission or the trustees of a police village supplying power that is supplied to it or them by the Corporation;
- (b) “municipal residential premises” means premises that are supplied individually with power by a municipal commission and that the Corporation decides are used for residential purposes on a year-round basis;
- (c) “rural rate differential” means the amount by which the weighted average rural bill exceeds the weighted average municipal bill, expressed as a percentage of the weighted average municipal bill;
- (d) “rural residential premises” means premises that are supplied, either individually or in conjunction with a farm, with power by the Corporation under this Part and that the Corporation decides are used for residential purposes on a year-round basis;

(e) "weighted average municipal bill" means the amount obtained by,

- (i) multiplying the amount payable to each municipal commission for the first 1,000 kilowatt hours of power consumed per month in a municipal residential premises by the number of municipal residential premises supplied with power by the municipal commission,
- (ii) adding together the products obtained in respect of all municipal commissions in accordance with subclause (i), and
- (iii) dividing the sum obtained in accordance with subclause (ii) by the total number of municipal residential premises supplied with power by municipal commissions;

(f) "weighted average rural bill" means the amount obtained by,

- (i) multiplying the amount payable under each rate class of the Corporation that applies to rural residential premises for the first 1,000 kilowatt hours of power consumed per month by the number of rural residential premises within the class,
- (ii) adding together the products obtained in respect of all the classes in accordance with subclause (i), and
- (iii) dividing the sum obtained in accordance with subclause (ii) by the total number of rural residential premises.

Rural
rate
differential

(2) The Corporation shall forecast the rural rate differential each year for the next following year.

Discounts

(3) Where the Corporation forecasts a rural rate differential that exceeds 15 per cent, the Corporation shall fix discounts from the rates to be charged for power consumed each month in rural residential premises in the next following year.

Calculation

(4) The discounts shall be calculated to result in a forecast rural rate differential of 15 per cent on a yearly basis.

Recovery of
difference
in revenue

(5) The Corporation may increase the price payable for power by municipal commissions and any of the other persons supplied

with power by the Corporation in order to recover any difference in the revenue of the Corporation that is forecast to occur as a result of the application of subsections (2) to (4).

(6) Subsection (5) applies notwithstanding any contract entered into between the Corporation and a municipal commission or other person. Effect of contract

(7) The Corporation may decide, for the purposes of this section, whether or not premises are used for residential purposes on a year-round basis and need not hold or afford to any person an opportunity for a hearing before so deciding. Use of premises

(8) No proceedings shall be commenced in any court or tribunal to question or review a forecast or a decision respecting the use of premises referred to in this section that is made in good faith by the Corporation but this does not apply to a proceeding under section 37 of the *Ontario Energy Board Act*. Review of forecast or decision

(9) Section 37 of the *Ontario Energy Board Act* does not apply in respect of rates fixed or altered in accordance with this section for the year 1982. Application of R.S.O. 1980, c. 332

3. This Act comes into force on the day it receives Royal Assent. Commencement
4. The short title of this Act is the *Power Corporation Amendment Act, 1981 (No. 2)*. Short title

CHAPTER 42

An Act to amend the Motorized Snow Vehicles Act

Assented to November 19th, 1981

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of the *Motorized Snow Vehicles Act*, being chapter 301 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clauses:

(ca) "median strip" means the portion of a highway so constructed as to separate traffic travelling in one direction from traffic travelling in the opposite direction by a physical barrier or an unpaved strip of ground;

(ja) "school bus" means a school bus as defined in section 151 of the *Highway Traffic Act*.

R.S.O. 1980,
c. 198

2. The said Act is amended by adding thereto the following section:

s. 5a,
enacted

5a.—(1) Every driver of a motorized snow vehicle, when approaching or overtaking on a highway a stopped school bus that has two red signal-lights flashing, shall stop his vehicle before reaching the school bus and shall not proceed until the signal-lights are no longer operating.

Duty of
driver when
school bus
stopped on
highway

(2) Subsection (1) does not apply to a driver of a motorized snow vehicle on a highway with a median strip who is approaching a school bus that is stopped on the other side of the median strip.

Exception
to subs. (1)

3. Section 12 of the said Act is repealed and the following substituted therefor:

s. 12,
re-enacted

12.—(1) Every person in charge of a motorized snow vehicle who is directly or indirectly involved in an accident shall, if the

Duty to
report
accident

accident results in personal injuries or in damage to property apparently exceeding \$400 report the accident forthwith to the nearest provincial or municipal police officer and furnish him with information in respect of,

- (a) the names and addresses of the persons involved;
- (b) the date and location of the occurrence; and
- (c) the circumstances under which the accident occurred.

Disposition
of report

(2) A police officer receiving a report of an accident under subsection (1) shall forward the report to the Registrar of Motor Vehicles within ten days of receiving it.

s. 13,
amended

4. Section 13 of the said Act is amended by adding thereto the following subsection:

Exception

(5) Speed limits prescribed by this section or any regulation made or by-law passed under this section do not apply to a motorized snow vehicle operated by a police officer, constable or conservation officer in the lawful performance of his duties.

s. 15a,
enacted

5. The said Act is further amended by adding thereto the following section:

Stopping
for vehicles
with red
lights

15a.—(1) Every driver of a motorized snow vehicle when approached by,

- (a) a motorized snow vehicle with a flashing red light; or
- (b) a motor vehicle with a flashing red light, operated by a police officer or conservation officer,

shall immediately bring his vehicle to a standstill for the purpose of complying with section 15.

Where on
a roadway

(2) Where a driver to whom subsection (1) applies is on a roadway, he shall bring his vehicle to a standstill as near as is practicable to the right-hand edge of the roadway and clear of any intersection.

Red light

(3) No person except a police officer, constable or conservation officer shall operate a motorized snow vehicle that is equipped with a lamp that produces flashes of red light.

s. 20,
re-enacted

6. Section 20 of the said Act is repealed and the following substituted therefor:

20. Every person who is driving or riding on a motorized snow vehicle or is being towed by a motorized snow vehicle on any premises shall be deemed, for the purposes of subsection 4 (1) of the *Occupiers' Liability Act*, to have willingly assumed all risks where,

Risks willingly assumed for purposes of R.S.O. 1980, c. 322

- (a) no fee is paid for the entry or activity of the person, other than a benefit or payment received from a government or government agency or a non-profit recreation club or association; and
- (b) the person is not being provided with living accommodation by the occupier.

7. Section 22 of the said Act is repealed and the following substituted therefor:

s. 22, re-enacted

22. The owner of a motorized snow vehicle may be charged with and convicted of an offence under this Act or the regulations or any municipal by-law regulating, governing or prohibiting the operation of motorized snow vehicles, for which the driver of the motorized snow vehicle is subject to be charged unless, at the time of the offence, the motorized snow vehicle was in the possession of a person other than the owner without the owner's consent and on conviction the owner is liable to the penalty prescribed for the offence.

Owner may be convicted

8. Section 23 of the said Act is repealed.

s. 23, repealed

9. This Act comes into force on the day it receives Royal Assent.

Commencement

10. The short title of this Act is the *Motorized Snow Vehicles Amendment Act, 1981*.

Short title

CHAPTER 43

An Act for the establishment and conduct of a Project in The Municipality of Metropolitan Toronto to improve methods of processing Complaints by members of the Public against Police Officers on the Metropolitan Police Force

Assented to November 19th, 1981

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Board" means the Police Complaints Board;
- (b) "Bureau" means the Public Complaints Investigation Bureau;
- (c) "chief of police" means the chief of police of the Metropolitan Police Force;
- (d) "complaint" means a complaint by a member of the public, made orally or in writing, respecting the conduct of a police officer;
- (e) "police officer" means a police officer on the Metropolitan Police Force;
- (f) "prescribed" means prescribed by the regulations;
- (g) "regulations" means the regulations made under this Act.

2. This Act applies only to complaints made by members of the public respecting the conduct of police officers on the Metropolitan Police Force and hearings under this Act and disciplinary proceedings under the *Police Act* and the regulations thereunder arising out of such complaints.

Application
of Act

R.S.O. 1980,
c. 381

Appointment
of Public
Complaints
Commissioner

3.—(1) The Lieutenant Governor in Council shall appoint a Public Complaints Commissioner to exercise the powers and perform the duties assigned to him by this Act and the regulations.

Officers,
etc.

R.S.O. 1980,
c. 418

Annual
report

(2) Such officers and employees as are considered necessary from time to time for the purposes of the Public Complaints Commissioner may be appointed under the *Public Service Act*.

(3) The Public Complaints Commissioner shall report annually upon the affairs of his office to the Solicitor General who shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Audit

(4) The accounts of the Public Complaints Commissioner shall be audited annually by the Provincial Auditor.

Board
established

4.—(1) A board to be known as the Police Complaints Board is hereby established.

Chairman

(2) The Public Complaints Commissioner shall be the chairman of the Board.

Composition
and
appointment

(3) The Board shall be composed of the chairman and as many other members as the Lieutenant Governor in Council considers proper and such members shall be appointed by the Lieutenant Governor in Council.

Qualifi-
cations

(4) One-third of the members of the Board shall be persons who have had training in law.

Recom-
mendation
for
appointment

(5) The Metropolitan Board of Commissioners of Police and the Metropolitan Toronto Police Association shall jointly recommend to the Solicitor General for appointment to the Board such number of persons, other than police officers, as will constitute one-third of the membership of the Board.

Idem

(6) The council of The Municipality of Metropolitan Toronto shall recommend to the Solicitor General for appointment to the Board such number of persons as will constitute one-third of the membership of the Board.

Idem

(7) Recommendations under subsections (5) and (6) shall be made to the Solicitor General within such time as he may specify.

Remuner-
ation

(8) The members of the Board shall receive such salaries or remuneration and expenses as may be fixed by the Lieutenant Governor in Council.

(9) The chairman shall have general supervision and direction over the conduct of the affairs of the Board and shall arrange the sittings of the Board and assign members to conduct hearings as circumstances require.

Duties of
chairman

(10) The Board shall prepare and publish periodically a summary of its decisions and the reasons therefor and shall report annually on its affairs to the Solicitor General who shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Summaries
and
report

(11) The accounts of the Board shall be audited annually by the Provincial Auditor.

Audit

(12) Such officers and employees as are considered necessary from time to time for the purposes of the Board may be appointed under the *Public Service Act*.

Officers,
etc.

R.S.O. 1980,
c. 418

5.—(1) The chief of police shall establish and maintain for the purposes of this Act a branch of the Metropolitan Police Force to be known as the Public Complaints Investigation Bureau.

Bureau to be
established

(2) The chief of police shall ensure that the Bureau is supplied with sufficient staff to effectively receive, record and investigate complaints.

Staff

6.—(1) A member of the public may make a complaint at the Bureau, at any police station in Metropolitan Toronto or at the office of the Public Complaints Commissioner.

Where com-
plaints may
be made

(2) The person who receives a complaint shall record the complaint in the prescribed form and shall furnish the person making the complaint with a prescribed statement that sets out the procedures that will be followed respecting the complaint and the rights under this Act of the person making the complaint.

Information

(3) Where a complaint is recorded at a police station, the person recording the complaint shall forward forthwith to the Bureau and to the Public Complaints Commissioner a copy of the complaint.

Copy of
complaint

(4) Where a complaint is recorded at the Bureau, the person recording the complaint shall forward forthwith to the Public Complaints Commissioner a copy of the complaint.

Idem

(5) Where a complaint is recorded at the office of the Public Complaints Commissioner, the person recording the complaint shall forward forthwith to the Bureau a copy of the complaint.

Idem

7. Upon receipt of a complaint, the person in charge of the Bureau shall inform forthwith the police officer concerned of the

Police officer
to be informed

substance of the complaint, unless, in the opinion of such person, to do so might adversely affect any investigation of the complaint.

Informal
resolution

8.—(1) The person in charge of the Bureau shall consider whether a complaint can be resolved informally and, with the consent of the person making the complaint and the police officer concerned, may attempt to so resolve the complaint.

Record of
informal
resolution

(2) Where a complaint is resolved informally, a record shall be made of the manner in which the complaint was resolved and the person making the complaint and the police officer concerned shall each signify in writing his agreement to such resolution.

Copy of
record to be
furnished

(3) A copy of a record made under subsection (2) shall be furnished forthwith to the Public Complaints Commissioner, the person making the complaint and the police officer concerned.

Informal
resolution

(4) A complaint may be resolved informally by the person in charge of the Bureau in accordance with the procedures in this section at any time during the course of or after an investigation under section 9.

Idem

(5) A complaint may be resolved informally by the Public Complaints Commissioner in accordance with the procedures in this section at any time during the course of or after a review under section 15.

No reference
in personal
record of
police officer

(6) No reference shall be made in the personal record of a police officer to a complaint resolved under this section, except where misconduct has been admitted by the police officer.

Investigation

9.—(1) Where a complaint is not resolved informally, the person in charge of the Bureau shall cause an investigation to be made forthwith into the complaint in accordance with prescribed procedures.

Interim
reports

(2) The person in charge of the Bureau shall forward to the Public Complaints Commissioner, the person who made the complaint and the police officer concerned an interim report in the prescribed form providing a summary of the investigation to date not later than thirty days after receipt of the complaint and shall forward further interim reports to the same persons on a monthly basis during the course of the investigation.

Exception

(3) Notwithstanding subsection (2), the person in charge of the Bureau may decide not to make a report to the person who made the complaint and the police officer concerned where, in his opinion, to do so might adversely affect the investigation of the complaint or where there are no new matters to report, in which

case the person in charge of the Bureau shall forthwith notify the Public Complaints Commissioner of the reasons for his decision.

(4) Where an investigation has been completed, the person in charge of the Bureau shall cause a final investigation report to be prepared and shall forward a copy thereof to the Public Complaints Commissioner, the chief of police, the person who made the complaint and the police officer concerned. Final report

(5) A final investigation report prepared under subsection (4) shall, Idem

- (a) contain a summary of the complaint and a description of the alleged misconduct by the police officer;
- (b) contain a summary of the investigation and of information obtained from the person who made the complaint, the police officer concerned and witnesses, if any; and
- (c) contain a description and analysis of any physical evidence obtained.

10.—(1) The chief of police shall review a final investigation report and he may order such further investigation as he considers advisable and may, unless he decides that no action is warranted, Powers and duties of chief of police

- (a) cause an information alleging the commission of an offence by the police officer concerned to be laid and refer the matter to the Crown attorney for prosecution;
- (b) refer the matter to the Board for a hearing by the Board;
- (c) cause disciplinary proceedings to be taken under the *Police Act* and the regulations thereunder; and R.S.O. 1980, c. 381
- (d) after giving the police officer concerned an opportunity to reply to the complaint, either orally or in writing, counsel or caution the police officer regarding his conduct,

but where the chief of police takes action under clause (b), (c) or (d), he shall not take action under any other of those clauses.

(2) Where the chief of police causes an information to be laid under clause (1) (a), such action shall not stay any hearing by the chief of police or by the Board unless the chief of police or the Board, as the case may be, is of the opinion that the hearing should be stayed until the court proceedings have been concluded. Hearing not stayed

Notice of
action taken

(3) The chief of police shall give forthwith written notice of any action taken by him under subsection (1) or of his decision that no action is warranted to the Public Complaints Commissioner, the person who made the complaint and the police officer concerned and, where his decision is that no action is warranted or he has taken action under clause (1) (d), the chief of police shall give his reasons therefor.

Designation
by chief
of police

(4) The chief of police may designate any police officer to exercise any of his powers and perform any of his duties under this Act and the police officer so designated has the powers and duties set out in the designation and where any power is conditional on the opinion of the chief of police, the requisite opinion shall be that of the designated officer.

Application
of s. 19
R.S.O. 1980,
c. 381

11.—(1) Where the chief of police has caused disciplinary proceedings to be taken under the *Police Act* and the regulations thereunder, subsections 19 (4), (6), (10), (11) and (12) of this Act apply with necessary modifications to a hearing held in connection with such proceedings.

Notice of
decision

(2) The chief of police or, if he is not the person who holds a hearing referred to in subsection (1), the person who holds the hearing shall give forthwith written notice of his decision together with his reasons therefor to the Public Complaints Commissioner, the person who made the complaint and the police officer concerned.

Police officer
may appeal

12. Where a hearing referred to in subsection 11 (1) has been held and a penalty has been imposed upon a police officer, the police officer may appeal to the Board under section 13 of this Act and not as provided in the *Police Act* and the regulations thereunder.

Notice of
appeal

13.—(1) A notice of appeal shall be served on the Board within fifteen days after the police officer receives notice of the penalty imposed.

Extension
of time

(2) Notwithstanding subsection (1), where the chairman of the Board is satisfied that there are *prima facie* grounds for granting relief and that there are reasonable grounds for granting an extension, he may extend the time for giving the notice either before or after the expiration of the fifteen day period referred to in subsection (1) and may give such directions as he considers proper consequent upon such extension.

Powers and
duties of
Public
Complaints
Commissioner

14.—(1) The Public Complaints Commissioner,

(a) shall maintain copies of all records, reports and other material received by him under this Act;

- (b) shall monitor the handling of complaints by the Bureau and the chief of police;
- (c) shall review the record of the informal resolution of a complaint by the person in charge of the Bureau and may request that the person in charge of the Bureau cause an investigation or further investigation, as the case may be, to be made into the complaint;
- (d) may, upon receipt of a copy of the final investigation report from the person in charge of the Bureau, request that the chief of police cause further investigation to be made into the complaint;
- (e) shall receive a request for a review under section 15; and
- (f) shall evaluate the effectiveness of the system for handling complaints.

(2) Where the person in charge of the Bureau or the chief of police causes an investigation to be made under clause (1) (c) or (d), as the case may be, he shall forward the results of his investigation to the Public Complaints Commissioner.

Results
to be
forwarded

(3) Notwithstanding any other provision of this Act, the Public Complaints Commissioner may inquire into and investigate the allegations in the complaint,

Public
Complaints
Commissioner
may inquire
and investigate

- (a) at any time after he receives the first interim report under subsection 9 (2) or the thirty-day period mentioned therein has expired;
- (b) upon the request of the chief of police; or
- (c) where there are reasonable grounds to believe that there has been undue delay or other exceptional circumstances in the conduct of an investigation under section 9.

(4) A decision to take action under clause (3) (c) shall be deemed to be made in the exercise of a statutory power within the meaning of the *Judicial Review Procedure Act*.

Review of
decision
R.S.O. 1980,
c. 224

(5) The Public Complaints Commissioner shall forthwith notify the chief of police in writing of his intention to conduct an inquiry and investigation under clause (3) (a) or (c) and shall give his reasons therefor in writing and, after he completes any inquiry and investigation under subsection (3), he shall forward the results thereof to the chief of police, and the chief of police shall consider such results in his review of the final investigation report under subsection 10 (1).

Notice
to chief
of police

Request
for review

15.—(1) Where a person who has made a complaint is dissatisfied with the decision made on a disciplinary proceeding arising out of his complaint that is not a decision of the Board or with action taken by the chief of police under clause 10 (1) (d) or with a decision of the chief of police that no action is warranted, he may request the Public Complaints Commissioner to review the matter.

Hearing may
be ordered

(2) Where the Public Complaints Commissioner receives a request under subsection (1), he shall review the matter and may, after such review, order a hearing by the Board if he believes that, in the public interest, such a hearing is required or he may decide to take no further action.

Notice

(3) The Public Complaints Commissioner shall give forthwith written notice to the chief of police, the person who made the complaint and the police officer concerned of his decision under subsection (2) and, where his decision is to take no further action, shall give his reasons therefor.

Where hear-
ing not to
be ordered

(4) The Public Complaints Commissioner shall not order a hearing under subsection (2) where a police officer has appealed to the Board under section 13.

Powers on
investigation

16.—(1) For the purposes of a review under section 15, the Public Complaints Commissioner may inquire into and investigate the allegations in the complaint and, for such purposes, he may, after informing the chief of police, enter a police station and examine therein books, papers, documents and things related to the complaint.

Powers on
inquiry

(2) For the purposes of an inquiry, the Public Complaints Commissioner has the powers of a commission under Part II of the *Public Inquiries Act*, which Part applies to such inquiry as if it were an inquiry under that Act.

R.S.O. 1980,
c. 411

Appointment
of person
to make
inquiry and
investigation

(3) The Public Complaints Commissioner may, in writing, appoint a person to make any inquiry and any investigation he is authorized to make and the person so appointed has all the powers and duties of the Public Complaints Commissioner relating to the inquiry and the investigation.

Report

(4) The person appointed to make an inquiry or investigation shall report the results of his inquiry or investigation to the Public Complaints Commissioner.

Obstruction

(5) No person shall obstruct the Public Complaints Commissioner or a person appointed by him to make an investigation or withhold from him or conceal or destroy any books, papers, documents or things related to the investigation.

(6) Where a justice of the peace is satisfied upon an *ex parte* application by the Public Complaints Commissioner that there is reasonable ground for believing there are in any building, dwelling, receptacle or place any books, papers, documents or things relating to an investigation, the justice of the peace may issue an order authorizing the Public Complaints Commissioner, together with such persons as he calls upon to assist him, to enter and search, if necessary by force, such building, dwelling, receptacle or place for such books, papers, documents or things and to examine them, but every such entry and search shall be made between 6 a.m. and 9 p.m., standard time, unless the justice of the peace, by the order, otherwise authorizes.

Search
warrant

(7) The Public Complaints Commissioner may, upon giving a receipt therefor, remove any books, papers, documents or things examined under subsection (1) or (6) relating to the investigation and shall with reasonable dispatch make copies of such books, papers or documents and return them promptly thereafter to the person from whom they were removed.

Removal of
books, etc.

(8) Any copy made as provided in subsection (7) and certified to be a true copy by the Public Complaints Commissioner is admissible in evidence in any action, proceeding or prosecution as *prima facie* proof of the original book, paper or document and its contents.

Admissibility
of copies

(9) The Public Complaints Commissioner may appoint an expert to examine books, papers, documents or things examined under subsection (1) or (6).

Appointment
of experts

(10) This section applies with necessary modifications to an inquiry and investigation by the Public Complaints Commissioner under subsection 14 (3).

Application

17. Where, after making a review, the Public Complaints Commissioner is of the opinion that a police practice or procedure should be altered, he shall report his opinion and recommendations to the Solicitor General, the Ontario Police Commission, the Metropolitan Board of Commissioners of Police and the chief of police.

Report

18.—(1) Where,

Conduct of
hearing

(a) the chief of police has referred a matter to the Board under clause 10 (1) (b);

(b) a police officer has appealed to the Board under section 13; or

(c) the Public Complaints Commissioner has, under subsection 15 (2), ordered a hearing,

the Board shall hold a hearing and the Public Complaints Commissioner shall assign in accordance with this section a member or members of the Board to conduct the hearing.

Idem

(2) Where, in the opinion of the Public Complaints Commissioner, the complaint alleges misconduct by the police officer that is of a minor nature, he shall assign a member of the Board who has had training in law to sit alone to conduct the hearing.

Idem

(3) Where, in the opinion of the Public Complaints Commissioner, the complaint alleges misconduct by a police officer that is of a serious nature, he shall assign three members of the Board who shall constitute a panel to conduct the hearing.

Who shall
be on
panel

(4) The chairman of the panel constituted under subsection (3) shall be a member of the Board who has had training in law and, where possible, one member of the panel shall be a person appointed to the Board on the joint recommendation of the Metropolitan Board of Commissioners of Police and the Metropolitan Toronto Police Association and one member shall be a person appointed to the Board on the recommendation of the council of The Municipality of Metropolitan Toronto.

Eligibility

(5) Where the chief of police has referred a matter to the Board or a police officer has appealed to the Board, the Public Complaints Commissioner is eligible to sit alone to conduct the hearing under subsection (2) and to be chairman of a panel constituted under subsection (3).

Idem

(6) Where the Public Complaints Commissioner has ordered a hearing by the Board, he is not eligible to sit alone to conduct the hearing under subsection (2) or to be a member of a panel constituted under subsection (3).

Public
Complaints
Commissioner
required
to sit

(7) Where a police officer has appealed to the Board and the Public Complaints Commissioner is of the opinion that the complaint alleges misconduct that is of a minor nature, he shall so advise the police officer who may by written notice given within seven days require that the Public Complaints Commissioner be the member who sits alone to conduct the hearing.

Decisions

(8) A decision of a member of the Board sitting alone and a decision of a majority of a panel is a decision of the Board and, for all purposes of a hearing, the member sitting alone or the panel, as the case may be, shall be deemed to be the Board.

Hearing

19.—(1) The Board shall appoint a time for a hearing and shall conduct a hearing *de novo*.

(2) The Board shall give to the chief of police, the person who made the complaint and the police officer concerned written notice of the hearing and of the time appointed therefor.

Notice of
hearing

(3) The person who made the complaint may attend at the hearing and be represented by counsel or an agent and shall be given an opportunity to be heard and to examine before the hearing the written or documentary evidence or report referred to in subsection (4).

Opportunity
to be
heard

(4) The police officer concerned shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.

Opportunity
to examine
evidence

(5) The member or members of the Board conducting a hearing shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but the Board may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law.

Member
holding
hearing not
to com-
municate
with party

(6) The oral evidence given at the hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court.

Oral
evidence

(7) The Board may appoint counsel to assist the Board at the hearing.

Counsel

(8) No member of the Board shall participate in a decision following the hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision shall be given unless all members so present participate in the decision.

Only
members at
hearing to
participate
in decision

(9) Documents and things put in evidence at the hearing shall, upon the request of the person who produced them, be released to him within a reasonable time after the matter in issue has been finally determined.

Release of
documents

(10) Notwithstanding section 12 of the *Statutory Powers Procedure Act*, the police officer concerned shall not be required to give evidence at the hearing nor shall any statement or answer required to be given by him in respect of the complaint made against him be admitted in evidence at the hearing, except with his consent.

Police
officer not
required to
give
evidence
R.S.O. 1980,
c. 484

(11) Where the person in charge of the Bureau attempts to resolve a complaint informally and the complaint is not so resolved, any statement or admission made during such attempt by the

Statement
or
admission
not
admissible
in evidence

police officer concerned or by the person who made the complaint shall not be admitted in evidence at the hearing, except with the consent of the police officer or the person who made the complaint, as the case may be.

Proof of
misconduct

(12) No finding of misconduct by the police officer shall be made unless the misconduct is proved beyond a reasonable doubt.

Imposition
of penalty

(13) Where a member of the Board sitting alone finds the police officer guilty of misconduct, he may,

- (a) direct that days off not exceeding five days be forfeited;
- (b) direct that pay not exceeding three days pay be forfeited;
or
- (c) reprimand the police officer.

Idem

(14) Where a panel of the Board finds the police officer guilty of misconduct, it may,

- (a) dismiss the police officer from the Metropolitan Police Force;
- (b) direct that the police officer resign from the Metropolitan Police Force and, in default of resigning within seven days, be summarily dismissed;
- (c) reduce the police officer in rank or gradation of rank and in pay in accordance with the rank to which he is reduced;
- (d) suspend the police officer from duty without pay for a period not exceeding thirty days;
- (e) direct that days off not exceeding twenty days be forfeited;
- (f) direct that pay not exceeding five days pay be forfeited;
or
- (g) reprimand the police officer, which reprimand may be in lieu of or in addition to any other penalty imposed.

Notice of
decision

(15) The Board shall give forthwith written notice of its decision and the reasons therefor to the chief of police, the person who made the complaint and the police officer concerned.

(16) No reference to a hearing conducted by the Board shall be made in the personal record of the police officer concerned unless the Board has made a finding of misconduct by the police officer. No reference to hearing

(17) The Metropolitan Board of Commissioners of Police may, in such cases and to such extent as it thinks fit, pay any legal costs incurred by a police officer in respect of a hearing conducted by the Board and an appeal under section 20. Costs may be paid

20.—(1) A party to a hearing by the Board may appeal from the decision of the Board to the Divisional Court in accordance with the rules of court. Appeal

(2) The Solicitor General is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section. Solicitor General entitled to be heard

(3) An appeal under this section may be made on a question that is not a question of fact alone or from a penalty imposed under subsection 19 (14), or on both the question and the penalty. What may be appealed

21. Any notice, report or other material required to be given, furnished, forwarded or otherwise served under this Act is sufficiently served if delivered personally or sent by prepaid first class mail addressed to the person on whom service is required to be made at his last known or usual place of abode. How notice, etc., may be served

22.—(1) Every person engaged in the administration of this Act and the regulations, including a member of the Metropolitan Police Force, shall preserve secrecy in respect of all matters that come to his knowledge in the course of his duties and shall not communicate any such matter to any other person except, Matters confidential

(a) as may be required in connection with the administration of this Act and the regulations or the *Police Act* and the regulations thereunder; R.S.O. 1980, c. 381

(b) as may be required for the due enforcement of the law;

(c) to his counsel; or

(d) with the consent of the person to whom the matter relates.

(2) No person to whom subsection (1) applies shall be required to give testimony in any civil suit or proceeding with regard to information obtained by him in the course of his duties, except at a hearing under this Act or in a disciplinary proceeding under the *Police Act* and the regulations thereunder. Testimony

What is inadmissible in evidence

R.S.O. 1980, c. 381

(3) No record, report, writing or document arising out of a complaint is admissible or may be used in evidence in any civil suit or proceeding, except at a hearing under this Act or in a disciplinary proceeding under the *Police Act* and the regulations thereunder.

Idem

(4) No oral statement, answer or admission referred to in subsections 19 (10) and (11) is admissible or may be used in evidence in any civil suit or proceeding, except at a hearing under this Act or in a disciplinary proceeding under the *Police Act* and the regulations thereunder.

R.S.O. 1980, c. 325 does not apply

23. The *Ombudsman Act* does not apply to the Public Complaints Commissioner or the Board.

Moneys

24.—(1) The moneys required for the purposes of the Public Complaints Commissioner and the Board shall, until the 31st day of March, 1982, be paid out of the Consolidated Revenue Fund and thereafter shall be paid out of the moneys appropriated therefor by the Legislature.

Idem

(2) The Solicitor General, with the approval of the Lieutenant Governor in Council, and The Municipality of Metropolitan Toronto may enter into an agreement to provide for the payment by the municipality to the Treasurer of Ontario on such terms and conditions as may be agreed upon of contributions in respect of the moneys required for the purposes of the Public Complaints Commissioner and the Board.

Offence

25. Any person who contravenes subsection 16 (5) or subsection 22 (1) is guilty of an offence and on conviction is liable to a fine of not more than \$2,000.

Regulations

26. The Lieutenant Governor in Council may make regulations,

- (a) prescribing what shall be taken into account in determining whether misconduct is of a minor or serious nature;
- (b) defining conduct that may be the subject of a complaint;
- (c) respecting the reporting and publication of decisions of the Board;
- (d) assigning duties to the Public Complaints Commissioner;
- (e) prescribing criteria to be used by the Public Complaints Commissioner in evaluating the effectiveness of the system for handling complaints;

(f) prescribing forms and providing for their use; and

(g) prescribing any matter that by this Act is required to be or is referred to as prescribed.

27.—(1) This Act is repealed on a day that is three years after it comes into force or on such day thereafter as is named by proclamation of the Lieutenant Governor. Repeal

(2) The Public Complaints Commissioner shall prepare a report evaluating the effectiveness of the system for handling complaints during the three years of operation of the project and shall forward copies of the report to the Solicitor General and the council of The Municipality of Metropolitan Toronto. Report

(3) The Solicitor General shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session. Idem

28. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commencement

29. The short title of this Act is the *Metropolitan Police Force Complaints Project Act, 1981*. Short title

CHAPTER 44

**An Act to amend
the Ontario Guaranteed Annual Income Act**

Assented to November 19th, 1981

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of the *Ontario Guaranteed Annual Income Act*, being chapter 336 of the Revised Statutes of Ontario, 1980, is amended^{s. 2, amended} by adding thereto the following subsection:

(2a) A person whose application for a monthly benefit under this section has been approved shall not become entitled to receive a payment in an amount greater than the monthly benefit under this section on the basis of periods of residence in Canada subsequent to the approval of his application under this section.^{Additional residence irrelevant}

2. Subsections 9 (3) to (11) of the said Act are repealed and the following substituted therefor:^{s. 9 (3-7), re-enacted; s. 9 (8-11), repealed}

- (3) Where an applicant is dissatisfied with,^{Objection by applicant}
- (a) a determination of the Minister under subsection (1);
 - (b) the decision of the Minister under section 3 to suspend payment of an increment;
 - (c) a direction of the Minister under section 7; or
 - (d) the Minister's determination that an applicant has received an increment to which he is not entitled or a payment in excess of the increment to which he is entitled,

he may object to that determination, decision or direction by serving on the Minister a notice of objection in the prescribed form setting out the reasons for the objection and all relevant facts within ninety days from the date of notice of such determination, decision or direction by the Minister.

Service

(4) A notice of objection under this section shall be served personally or by registered mail addressed to the Minister, but the Minister may accept a notice of objection under this section notwithstanding that it was not served in the manner required.

Minister to reconsider

(5) Upon receipt of the notice of objection, the Minister shall forthwith reconsider the determination, decision or direction objected to and confirm, vary or reverse such determination, decision or direction, and he shall, by registered mail, thereupon notify the person making the objection of his action.

Minister's decision final

(6) A decision of the Minister under subsection (5) is final and is not subject to appeal except where the decision involves the interpretation of a provision of this Act, or involves an issue solely of law.

Appeal on question of law

(7) In any dispute over a determination, decision or direction of the Minister under subsection (5), the Minister may, where the dispute involves the interpretation of a provision of this Act, or involves an issue solely of law in which no facts are in dispute, or involves the proper inference to be drawn from facts that are not in dispute, agree in writing with the disputing party as to the undisputed facts and thereafter apply to the Supreme Court to have the issue in dispute determined, and if the Minister does not make the application within six weeks of the date upon which the undisputed facts have been agreed upon in writing, the other party to the dispute may apply to the court to have the issue determined.

Commencement

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. The short title of this Act is the *Ontario Guaranteed Annual Income Amendment Act, 1981*.

CHAPTER 45

**An Act to amend the
Ontario Pensioners Property Tax Assistance Act***Assented to November 19th, 1981*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 7 of the *Ontario Pensioners Property Tax Assistance Act*, being chapter 352 of the Revised Statutes of Ontario, 1980, as amended by the Statutes of Ontario, 1981, chapter 14, section 3, is further amended by adding thereto the following subsection: s. 7,
amended

(2) In addition to the grants payable under subsection (1) and section 2, each family unit, or individual who is not a member of the family unit, to whom a grant under section 2 is paid for the year 1981, 1982 or 1983 shall be paid a grant in the amount of, Home
heating
grant

(a) \$60 for the year 1981;

(b) \$40 for the year 1982; and

(c) \$20 for the year 1983,

to defray in part the cost of heating the principal residence of the family unit or individual, and the grant payable under this subsection shall be apportioned among the members of a family unit on the same basis as the grant under section 2 to that family unit was apportioned for the year in respect of which the grant under this subsection is paid, and the grant payable for the year under this subsection shall be paid at the time of the payment of the first interim instalment under subsection 2 (3) in the year next following the end of the year in respect of which the grant under this subsection is payable.

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment
3. The short title of this Act is the *Ontario Pensioners Property Tax Assistance Amendment Act, 1981 (No. 2)*. Short title

CHAPTER 46

An Act to amend the Income Tax Act

Assented to November 19th, 1981

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Paragraph 21 of subsection 1 (1) of the *Income Tax Act*, being chapter 213 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor: s. 1 (1), par. 21, re-enacted

21. "province" means a province of Canada and includes the Yukon Territory and the Northwest Territories.

2. Subsection 3 (7) of the said Act is repealed and the following substituted therefor: s. 3 (7), re-enacted

(7) An individual who, under the Federal Act, pays tax computed in accordance with subsection 117 (6) thereof, may, in lieu of the tax under subsection (1) of this section, pay a tax determined by reference to a table prepared in accordance with prescribed rules. Special table

3. Section 7 of the said Act, as amended by the Statutes of Ontario, 1981, chapter 13, section 3, is further amended by adding thereto the following subsection: s. 7, amended

(5) Every individual who is, in respect of a taxation year for which a deduction under this subsection is claimed, a principal taxpayer within the meaning of this section, and who, during that taxation year, has incurred any occupancy cost other than the amount deemed to be his occupancy cost under subsection (4) may, in addition to any deduction permitted under subsection (2) or (6), deduct from the tax otherwise payable by him under this Act, a home heating tax credit equal to the amount by which, Home heating tax credit

(a) \$60 for the 1981 taxation year;

(b) \$40 for the 1982 taxation year; or

(c) \$20 for the 1983 taxation year,

exceeds 1 per cent of such individual's taxable income for that taxation year for which a deduction is authorized under this subsection, and for the purpose of subsection (7), the deduction permitted by this subsection shall be considered to be a deduction to which the individual is entitled under subsection (2).

s. 10 (7),
re-enacted

4. Subsection 10 (7) of the said Act is repealed and the following substituted therefor:

Idem

(7) Where a taxpayer has filed the return required by section 8 for a taxation year and, within one year from the day on or before which he was required by section 8 to file the return for that year, has amended the return by filing with the Provincial Minister a prescribed form claiming a deduction from income under section 111 of the Federal Act in respect of non-capital losses, net capital losses or restricted farm losses sustained in the taxation year immediately following that year, the Provincial Minister shall reassess the taxpayer's tax for the year.

s. 11 (1),
amended

- 5.—(1) Subsection 11 (1) of the said Act is amended,

(a) by striking out "or" at the end of clause (l);

(b) by adding "or" at the end of clause (m); and

(c) by striking out all that part of the subsection immediately following clause (m) and inserting in lieu thereof,

(n) a termination payment,

at any time in a taxation year shall deduct or withhold therefrom such amount as may be determined in accordance with prescribed rules and shall, at such time as may be prescribed, remit that amount to the Treasurer on account of the payee's tax for the year under this Act.

s. 11,
amended

- (2) Section 11 of the said Act is amended by adding thereto the following subsections:

Undue
hardship

(1a) Where the Provincial Minister is satisfied that the deducting or withholding of the amount otherwise required to be deducted or withheld under subsection (1) from a payment would cause undue hardship, he may determine a lesser amount and that amount shall be deemed to be the amount determined under that subsection as the amount to be deducted or withheld from that payment.

Election to
increase
withholding

(1b) Where a taxpayer so elects in prescribed manner and prescribed form, the amount required to be deducted or withheld

under subsection (1) from any payment to him shall be deemed to be the aggregate of,

- (a) the amount, if any, otherwise required to be deducted or withheld under that subsection from that payment; and
- (b) the amount specified by the taxpayer in that election with respect to that payment or with respect to a class of payments that includes that payment.

(1c) For the purposes of subsection (1), where a trustee who is administering, managing, distributing, winding up, controlling or otherwise dealing with the property, business, estate or income of another person authorizes or otherwise causes a payment referred to in subsection (1) to be made on behalf of that other person, the trustee shall be deemed to be a person making the payment and the trustee and that other person shall be jointly and severally liable in respect of the amount required under subsection (1) to be deducted or withheld and to be remitted on account of the payment.

Payments by trustee, etc.

(1d) In subsection (1c), "trustee" includes a liquidator, receiver, receiver-manager, trustee in bankruptcy, assignee, executor, administrator, sequestrator or any other person performing a function similar to that performed by any such person.

Interpretation

6. Subsection 13 (2) of the said Act is repealed and the following substituted therefor:

s. 13 (2), re-enacted

(2) Where a collection agreement is entered into, an individual to whom subsection (1) applies shall pay an amount under clause (a) thereof computed in respect of the same year as the amount is computed that he is liable to pay under paragraph 156 (1) (a) of the Federal Act.

Idem, where collection agreement

7. Subsection 17 (1) of the said Act is repealed and the following substituted therefor:

s. 17 (1), re-enacted

(1) Every person who has failed to file a return as and when required by subsection 8 (1) is liable to a penalty equal to the aggregate of,

Failure to make return

- (a) an amount equal to 5 per cent of the tax that was unpaid when the return was required to be filed; and
- (b) the product obtained when 1 per cent of the tax that was unpaid when the return was required to be filed is multiplied by the number of complete months, not exceeding twelve, in the period between the date on

which the return was required to be filed and the date on which the return was filed.

s. 33 (1),
re-enacted;
s. 33 (1a),
enacted

Requisition
of moneys
owed to
taxpayer

8.—(1) Subsection 33 (1) of the said Act is repealed and the following substituted therefor:

(1) Where the Provincial Minister has knowledge or suspects that a person is or is about to become indebted or liable to make any payment to another person who is liable to make a payment under this Act (in this section referred to as the “tax debtor”), he may, by registered letter or by a letter served personally, require that person to pay the moneys otherwise payable to the tax debtor in whole or in part to the Treasurer on account of the tax debtor’s liability under this Act.

Idem

(1a) Without limiting the generality of subsection (1), where the Provincial Minister has knowledge or suspects that a bank, credit union, trust company or other similar person (in this section referred to as the “institution”) is about to advance moneys to, or make a payment on behalf of, or make a payment in respect of a negotiable instrument issued by, a tax debtor who is indebted to the institution and who has granted security to the institution in respect of the indebtedness, he may, by registered letter or by a letter served personally, require the institution to pay to the Treasurer on account of the tax debtor’s liability under this Act the moneys that would otherwise be so advanced or paid.

s. 33 (3, 4),
re-enacted;
s. 33 (4a),
enacted

Continuing
effect of
requisition

(2) Subsections 33 (3) and (4) of the said Act are repealed and the following substituted therefor:

(3) Where the Provincial Minister has, under this section, required a person to pay to the Treasurer on account of the liability under this Act of a tax debtor moneys otherwise payable by the person to the tax debtor as interest, rent, remuneration, a dividend, an annuity or other periodic payment, the requirement is applicable to all such payments to be made by the person to the tax debtor until the liability under this Act is satisfied and operates to require payments to the Treasurer out of each payment of such amount as may be stipulated by the Provincial Minister in the registered letter or letter served personally.

Penalty for
failure to
comply

(4) Every person who fails to comply with a requirement under subsection (1) or (3) is liable to pay to Her Majesty in right of Ontario an amount equal to the amount that he was required under subsection (1) or (3), as the case may be, to pay to the Treasurer.

Idem

(4a) Every institution that fails to comply with a requirement under subsection (1a) is liable to pay to Her Majesty in right of Ontario an amount equal to the lesser of,

- (a) the aggregate of the moneys advanced or paid; and
- (b) the amount that it was required under subsection (1a) to pay to the Treasurer.

9. Subsections 36 (2) and (3) of the said Act are repealed and the following substituted therefor: s. 36 (2, 3), re-enacted

(2) Where a person (in this subsection referred to as the "payor") is required by regulations made under subsection 11 (1) to deduct or withhold from a payment to another person an amount on account of that other person's tax for the year, that other person shall, from time to time as prescribed, file a return with the payor in prescribed form. Returns by payees

(3) Every person who fails to file a return as required by subsection (2) is liable to have the deduction or withholding under section 11 on account of his tax made as though he were an unmarried person without dependants. Failure to file returns

10. Section 40 of the said Act is repealed and the following substituted therefor: s. 40, re-enacted

40. Whether or not he has filed an information return as required by a regulation made under paragraph 221 (1) (d) of the Federal Act as it applies by virtue of subsection 29 (2) of this Act, every person shall, on demand from the Provincial Minister, served personally or by registered mail, file with the Provincial Minister, within such reasonable time as may be stipulated in the demand, such prescribed information return as is designated therein. Filing of information on demand

11.—(1) Section 1 shall be deemed to have come into force on the 1st day of January, 1980. Commencement and application

(2) Section 2, subsection 5 (1), and subsection 11 (1a) of the said Act as enacted by subsection 5 (2), shall be deemed to have come into force on the 1st day of January, 1979 and apply to the 1979 and subsequent taxation years. Idem

(3) Sections 3 and 6 come into force on the day this Act receives Royal Assent. Idem

(4) Section 4 shall be deemed to have come into force on the 12th day of December, 1979. Idem

(5) Subsection 11 (1b) of the said Act, as enacted by subsection 5 (2), and section 10 shall be deemed to have come into force on the 6th day of December, 1979. Idem

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Idem	(6) Subsections 11 (1c) and (1d) of the said Act, as enacted by subsection 5 (2), shall be deemed to have come into force on the 26th day of February, 1981.		
Idem	(7) Section 7 comes into force on the 1st day of January, 1982 and applies in respect of returns required to be filed, but not filed, before 1982, and in respect of returns required to be filed after 1981.		
Idem	(8) Section 8 shall be deemed to have come into force on the 26th day of February, 1981.		
Idem	(9) Section 9 shall be deemed to have come into force on the 1st day of January, 1980 and applies to payments made after 1979.		
Short title	12. The short title of this Act is the <i>Income Tax Amendment Act, 1981</i> (No. 2).		

CHAPTER 47

An Act to amend the Assessment Act

Assented to November 19th, 1981

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 2 (1) of the *Assessment Act*, being chapter 31 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clause: s. 2 (1),
amended

(e) prescribing additional information to be included in the census to be taken by the assessment commissioner.

- (2) Section 2 of the said Act is amended by adding thereto the following subsection: s. 2,
amended

(2a) The Lieutenant Governor in Council may make regulations prescribing for the purposes of clause 34 (3) (b) a higher rate of interest than 6 per cent. Idem

- 2.—(1) Subsection 13 (1) of the said Act is amended by adding thereto the following paragraphs: s. 13 (1),
amended

17. Religion, if Roman Catholic.

18. Whether a public or separate school supporter, by inserting the letter "p" or "s", as the case may be.

- (2) Section 13 of the said Act is amended by adding thereto the following subsection: s. 13,
amended

(4) In the preparation of the assessment roll, the assessment commissioner, in determining the names and school support of those persons entitled to direct taxes for school support purposes, shall be guided by the index books provided for in the *Education Act* and by the list prepared and revised by him under section 15 of this Act. School
support

R.S.O. 1980,
c. 129

ss. 14, 15,
re-enacted

- 3.** Sections 14 and 15 of the said Act are repealed and the following substituted therefor:

Census in
"election
year"

R.S.O. 1980,
c. 308

14.—(1) The assessment commissioner shall, commencing on the Tuesday following the first Monday of September and ending on the 30th day of September in each "election year" as defined in the *Municipal Elections Act* and in any other year in which the Minister considers it necessary, cause a census to be taken of the inhabitants of each municipality and locality in his assessment region, which shall include school support and such other information as may be prescribed by the Minister by regulation.

Census in
other
years

(2) The assessment commissioner shall, commencing on the Tuesday following the first Monday of September and ending on the 30th day of September in every year in which a census is not taken under subsection (1), cause a census to be taken of the occupants of any domestic establishment that is,

(a) used or intended to be used as a residence by a tenant or lessee;

(b) separately assessed under this Act; and

(c) contained in a building having not less than seven such domestic establishments.

Alternative
period for
taking of
census

(3) The Minister may by regulation require that, in any part of Ontario where a census under this section is to be taken, the census, instead of being taken during such period provided for in this section, shall be taken during such other period in the year as is specified in the regulation.

Census is
enumeration

(4) The census taken under subsection (1) shall be the enumeration referred to in the *Municipal Elections Act*.

Annual
school
support
list

15.—(1) The assessment commissioner shall, in each year, prepare a list showing the school support of every inhabitant who is entitled to direct taxes for school support purposes for each municipality or locality in the commissioner's assessment region and shall deliver the list to the clerk of the municipality and to the secretary of each school board in the municipality or the locality on or before the second Tuesday of October in each year.

How list to
be prepared

(2) The list referred to in subsection (1) shall be prepared on the basis of the information contained in any census which has been completed by the assessment commissioner on or before the 30th day of September in that year and on the basis of any other information in respect of school support designation which has come to his notice in that year on or before such date.

(3) The list referred to in subsection (1) shall, immediately after being delivered to the clerk, be open to inspection during office hours in the office of both the assessment commissioner and the clerk.

List open
to public

(4) The Minister may make regulations prescribing the forms and procedures to be used by the assessment commissioner for revision of the list.

Regulations
by Minister

(5) Subject to subsection (12), a person whose name has not been included in the list or whose name has been included in the list but the information relating to him as set out therein is incorrect, may apply either personally or by his agent authorized in writing to the assessment commissioner for his region before the day fixed for the return of the assessment roll to have his name included in the list or to have such information corrected.

Application
to enter name
in list
or correct
information

(6) Every person applying under this section for the inclusion or alteration of his school support on the list shall either personally or by his authorized agent complete and sign an application in the form prescribed by the Minister and where the application indicates that the person is a Roman Catholic and a separate school supporter, the assessment commissioner shall accept the application as *prima facie* evidence for placing the person on the list as a separate school supporter.

Application
form

(7) If the assessment commissioner is satisfied that the inclusion or alteration requested in an application made to him under subsection (6) should be made, he shall approve the application by so indicating over his signature on the application.

Approval of
application

(8) Where the assessment commissioner includes or alters the school support of a person who has applied to him under subsection (6), he shall deliver a copy of the approved application to the secretary of each school board in the municipality or locality in which the applicant is entitled to direct taxes for school support.

Copy of
approved
application to
secretary of
school board

(9) Subject to subsection (10), if in the opinion of the assessment commissioner, the statements made by an applicant in his application under this section do not show that the applicant is entitled to have the list amended as requested, he shall inform the applicant in writing that his application is refused, that the school support of the applicant as designated on the list prepared under this section will be confirmed on the notice of assessment to which the applicant is entitled under section 30 and that the applicant may, upon receipt of the notice of assessment, appeal the school support designation as confirmed by the assessment commissioner to the Assessment Review Court under section 39.

Refusal to
approve
application

Application
considered
after
delivery of
notice of
assessment

(10) Where an application under this section has been received by the assessment commissioner before the day fixed for the return of the roll but has not been considered by him until after the delivery of the notice of assessment provided for in section 30, the assessment commissioner shall, if he refuses such application, inform the applicant in writing that the inclusion or amendment requested in the application is refused and that an appeal may be taken by appealing to the Assessment Review Court the applicant's school support designation as shown on the notice of assessment delivered under section 30 but, where the assessment commissioner approves the application, he shall deliver to the applicant an amended notice of assessment.

Final
revision
of list

(11) Upon determination of all applications for revision of the list for a municipality or locality filed before the day fixed for the return of the assessment roll, the assessment commissioner shall make a final revision of the list to reflect the determination.

Application
delivered
to clerk

(12) The application form referred to in subsection (6) may, no later than fourteen days prior to the day fixed for the return of the roll, be delivered to the office of the clerk of the municipality in which an applicant is entitled to direct taxes for school support rather than to the office of the assessment commissioner and the clerk shall immediately, and in any event not later than the day before the day fixed for the return of the roll, deliver the application to the assessment commissioner.

s. 30 (1),
re-enacted

4. Subsection 30 (1) of the said Act is repealed and the following substituted therefor:

Notice of
assessment

(1) The assessment commissioner or an assessor shall, at least fourteen days prior to the completion of the assessment roll, deliver in the manner provided in this section to every person named therein a notice in a form approved by the Minister showing,

- (a) the sum or sums for which such person has been assessed;
- (b) whether such person is a public or separate school supporter; and
- (c) such other particulars as are directed by the Minister to be shown in the notice,

and the assessment commissioner or assessor shall enter in the roll opposite the name of the person the date of delivery of the notice or shall make one or more certificates to be attached to the roll or to any part of the roll certifying the date or dates upon which the notices were delivered, and the entry, certificate and certificates are *prima facie* evidence of the delivery.

5. Clause 34 (3) (b) of the said Act is amended by inserting after "per annum" in the eleventh line "or at such higher rate as may from time to time be prescribed by the Lieutenant Governor in Council by regulation for the purpose of this clause". s. 34 (3) (b),
amended

6. Subsection 36 (6) of the said Act is repealed and the following substituted therefor: s. 36 (6),
re-enacted

(6) No assessment shall be increased, reduced or otherwise altered until all complaints, appeals or other proceedings concerning the assessment have been finally determined and disposed of, and where the result of the final determination and disposition of such complaints, appeals or other proceedings increases, reduces or otherwise alters the assessment, the taxes levied and payable with respect to such assessment shall be adjusted accordingly and any overpayment resulting from such adjustment shall be refunded by the municipality. Adjustment
of taxes as
a result
of appeal

7.—(1) Subsections 39 (1) and (2) of the said Act are repealed and the following substituted therefor: s. 39 (1, 2),
re-enacted

(1) Any person complaining of an error or omission in regard to himself, as having been wrongly inserted in or omitted from the roll, as having been assessed too low or too high in the roll or as having been wrongfully placed upon or omitted from the roll as a public or separate school supporter, may personally or by his agent give notice in writing to the regional registrar of the Assessment Review Court that he considers himself aggrieved for any or all of such causes, and shall give a name and address where notices can be served by the regional registrar as provided by subsection (4). Notice of
complaint,
by person
aggrieved

(2) Any person including a municipality or a school board may, within the time limited by subsection (3), give notice in writing, by other
person

(a) to the regional registrar of the Assessment Review Court; and

(b) to any other person whose assessment is complained of,

complaining that any other person has been wrongly inserted or omitted from the roll, has been assessed too low or too high or has been wrongfully placed upon or omitted from the roll as a public or separate school supporter and shall give a name and address where notices can be served on him and on any such other person by the regional registrar as provided by subsection (4), and the matter shall be decided in the same manner as complaints by a person assessed with regard to his own assessment.

Time for
determination
of school
support

(2a) Liability in respect of public or separate school support shall be determined in accordance with the circumstances existing at the time the notice of complaint was given.

s. 39 (12) (a),
amended

(2) Clause 39 (12) (a) of the said Act is amended by inserting after "court" in the second line "from which no appeal is taken".

s. 39 (12) (b),
re-enacted

(3) Clause 39 (12) (b) of the said Act is repealed and the following substituted therefor:

(b) where data processing equipment is used and as an alternative to complying with clause (a), cause to be prepared a new assessment roll which shall include all changes that have been made by the court and from which no appeal is taken and shall initial each entry so changed and shall complete the roll by totalling the amounts of the assessments therein and inserting such total.

s. 46 (1),
amended

8. Subsection 46 (1) of the said Act is amended by inserting after "shall" in the third line "except where an appeal from the decision is commenced".

s. 47 (10),
amended

9. Subsection 47 (10) of the said Act is amended by inserting after "shall" in the fifth line "except where an appeal from the decision is commenced".

s. 50 (1),
amended

10.—(1) Subsection 50 (1) of the said Act is amended by striking out "wrongfully placed upon or omitted from the assessment roll or assessed at too high or too low a sum" in the sixth, seventh and eighth lines and inserting in lieu thereof "wrongly placed upon or omitted from the assessment roll, assessed at too high or too low a sum, or wrongly placed upon or omitted from the roll as a public or separate school supporter".

s. 50 (5),
re-enacted

(2) Subsection 50 (5) of the said Act is repealed and the following substituted therefor:

Final
revision of
roll not to
be delayed

(5) The appeal from any judgment given by the Supreme Court or by a county court on an originating notice given under this section or the hearing or argument or other proceedings thereon shall not delay the final revision of the assessment roll, but when such appeal is finally determined and disposed of, the clerk of the municipality shall cause the proper entries to be made in the assessment roll to give effect to such final determination and disposition.

11. Section 52 of the said Act is amended by inserting after "shall" where it occurs the first time in the sixth line "where the judgment is not appealed". s. 52, amended

12. Section 54 of the said Act is repealed and the following substituted therefor: s. 54, re-enacted

54. Any business assessment based on the assessed value of real property shall be altered in the assessment roll by the clerk of the municipality to conform with alterations made in the assessment roll to such real property assessment. Alteration of business assessment

13. Subsection 63 (1) of the said Act is amended, s. 63 (1), amended

(a) by striking out "and" at the end of clause (f);

(b) by adding "and" at the end of clause (g); and

(c) by striking out all that part of the subsection immediately following clause (g) and inserting in lieu thereof:

"(h) subject to subsection (2) and to subsection 65 (3), the assessment roll of a municipality to be returned in the year 1981 shall be the assessment of all real property as set forth in the assessment roll returned for the year 1980 for taxation in the year 1981 as amended, added to or otherwise altered up to the date when the assessment roll for taxation in the year 1982 is returned,

provided that, where the assessor is of the opinion that an assessment to be shown on the assessment roll to be returned for the years 1974 to and including 1981 is inequitable with respect to the assessment of similar real property in the vicinity, the assessor may alter the value of the assessment to the extent necessary to make the assessment equitable with the assessment of such similar real property."

14. Section 65 of the said Act is amended by adding thereto the following subsection: s. 65, amended

(3) Notwithstanding subsection (2), where a unit or proposed unit within the meaning of the *Condominium Act* was, before it became such unit or proposed unit, part of a building the suites or apartments in which were rented to a tenant or tenants for residential accommodation, subsection (2) ceases to apply to such unit or proposed unit until it is sold to an individual or individuals who acquire and occupy it as his or their residence or that of members of his or their families, and until so sold and occupied, such unit or proposed unit shall be assessed at the level of assessment of similar rental property in the vicinity to which subsection (2) is not applicable. Conversion of rental property to condominium R.S.O. 1980, c. 84

s. 68,
re-enacted

- 15.** Section 68 of the said Act is repealed and the following substituted therefor:

Application

68. Section 65 ceases to be in force on the 21st day of December, 1982, but shall continue in force for the purpose of any pending complaint, appeal, proceeding or action that will affect taxes for the years 1971 to and including 1982.

s. 69,
re-enacted

- 16.** Section 69 of the said Act is repealed and the following substituted therefor:

Application

69. Subject to section 70, subsection 24 (6) is not in force and remains inoperative until the 1st day of January, 1982.

R.S.O. 1980,
c. 129, s. 1 (1),
par. 61,
amended

- 17.** Paragraph 61 of subsection 1 (1) of the *Education Act*, being chapter 129 of the Revised Statutes of Ontario, 1980, is amended by striking out "or" at the end of subparagraph i and by striking out subparagraph ii and inserting in lieu thereof:

ii. who is shown as a separate school supporter on the school support list as prepared or revised by the assessment commissioner under section 15 of the *Assessment Act*, or

iii. who is declared to be a separate school supporter as a result of a final decision rendered in proceedings commenced under the *Assessment Act*,

R.S.O. 1980,
c. 129,
s. 112 (3),
amended

- 18.** Subsection 112 (3) of the said Act is amended by striking out "under subsections 374 (3) to (14) of the *Municipal Act*" in the fourth and fifth lines and inserting in lieu thereof "under section 15 of the *Assessment Act*".

R.S.O. 1980,
c. 129, s. 119,
amended

- 19.** Section 119 of the said Act is amended by adding thereto the following subsection:

Exemption
from public
school rates
for other
separate
school
supporters

(2a) Every person paying rates in a separate school zone on property that he occupies as owner or tenant or on unoccupied property that he owns, who in the year becomes a separate school supporter within the meaning of subparagraph ii or iii of paragraph 61 of subsection 1 (1), is exempt from the payment of all rates imposed on such property in the separate school zone for public school purposes for the following year and every subsequent year while he continues to be a separate school supporter with respect to such property.

- 20.** Subsection 123 (1) of the said Act is amended by striking out "If it appears to the council of any municipality after the final revision of the list supplied to the clerk under section 14 of the *Assessment Act* that through mistake or inadvertance a ratepayer has been entered on the list" in the first, second, third and fourth lines and inserting in lieu thereof "If, after the return of the assessment roll, it appears to the council of any municipality that through mistake or inadvertence a ratepayer has been entered on the list prepared by the assessment commissioner under section 15 of the *Assessment Act*". R.S.O. 1980,
c. 129,
s. 123 (1),
amended
- 21.** Section 126 of the said Act is repealed and the following substituted therefor: R.S.O. 1980,
c. 129, s. 126,
re-enacted
- 126.—(1) A corporation by notice in a prescribed form to the assessment commissioner for the region wherein a separate school exists may require the whole or any part of the land of which the corporation is either the owner and occupant, or not being the owner is the tenant, occupant or actual possessor, and the whole or any proportion of the business assessment or other assessments of the corporation made under the *Assessment Act*, to be entered, rated and assessed for the purposes of the separate school. Right of
corporation
to support
separate
schools

R.S.O. 1980,
c. 31
- (2) The assessment commissioner shall thereupon forward a copy of such notice to the clerk of the municipality in which the land referred to in the said notice is situate. Copy of
notice to
clerk
- (3) Upon receipt of such notice, the assessment commissioner shall enter the corporation on the assessment roll to be next returned as a separate school supporter with respect to the land and business or other assessments designated in the notice, and so much of the land and business or other assessments so designated shall be assessed accordingly for the purposes of the separate school and not for public school purposes, but all other land and the remainder, if any, of the business or other assessments of the corporation shall be separately entered and assessed for public school purposes. Duty of
assessment
commissioner
- (4) The clerk, upon receipt of such notice from the assessment commissioner, shall enter the corporation as a separate school supporter in the collector's roll in respect of the land and business or other assessments designated in the notice, and the proper entries shall be made in the prescribed column for separate school rates, and so much of the land and business or other assessments so designated shall be assessed accordingly for the purposes of the separate school and not for public school purposes, but all other land and the remainder, if any, of the business or other assessments of the corporation shall be separately entered and assessed for public school purposes. Duty of
clerk

How
proportions
settled

(5) Unless all the stock or shares are held by Roman Catholics, the share or portion of such land and business or other assessments to be so rated and assessed shall not bear a greater proportion to the whole of such assessments than the amount of the stock or shares so held bears to the whole amount of the stock or shares.

Effect
of notice

(6) A notice given in pursuance of a resolution of the directors is sufficient and shall continue in force and be acted upon until it is withdrawn, varied or cancelled by a notice subsequently given pursuant to any resolution of the corporation or of its directors, except that, upon appeal, if it is ruled that the notice is not a proper notice, it is void, and the assessment commissioner shall so notify the corporation and mark the notice accordingly.

Filing
notice

(7) Every notice so given shall be kept by the assessment commissioner in his office, and shall at all convenient hours be open to inspection and examination.

Search for
notices

(8) The assessment commissioner shall in each year, before the final revision of the list prepared under section 15, search for and examine all notices that may be so on file.

R.S.O. 1980,
c. 226, s. 1 (c),
re-enacted

- 22.** Clause 1 (c) of the *Juries Act*, being chapter 226 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

(c) "Director of Assessment" means the Director of Data Services and Development Branch of the Assessment Programme of the Ministry of Revenue or such other officer as the Minister of Revenue designates.

R.S.O. 1980,
c. 302,
s. 374 (3-15),
repealed

- 23.** Subsections 374 (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), (14) and (15) of the *Municipal Act*, being chapter 302 of the Revised Statutes of Ontario, 1980, are repealed.

R.S.O. 1980,
c. 308,
s. 92 (4, 5),
re-enacted

- 24.** Subsections 92 (4) and (5) of the *Municipal Elections Act*, being chapter 308 of the Revised Statutes of Ontario, 1980, are repealed and the following substituted therefor:

List of
electors

(4) Subject to subsection (5), the preliminary list to be used in the year in which a new election is held shall be,

(a) where the new election is held prior to the 3rd day of November, the polling list prepared for an election held in the immediately preceding year in that polling subdivision but if no election was held in such preceding year in that polling subdivision, a list of electors prepared by the assessment commissioner based on the census conducted in that preceding year together with

any revisions made thereto as of the 30th day of September in such preceding year; or

- (b) where the new election is held on or after the 3rd day of November, a list of electors prepared by the assessment commissioner based on the census conducted by him in that year together with any revisions which have come to his notice as of the 30th day of September in that year,

provided that any list referred to in clause (a) or (b) shall be subject to revision as if it were a preliminary list of electors and sections 24 to 30 shall apply thereto with necessary modifications to the printing or reproduction.

(5) Where a,

Rules for
list of
electors

- (a) new election is required under clause 38 (1) (a), 38 (2) (b) or subsection 40 (4), the period during which a person may qualify as an elector for the office to be elected shall be the period of qualification specified under section 12 or 13 and the period following such qualification period terminating on the Thursday following the polling day for the last regular election;
- (b) new election is required under section 111, the period during which a person may qualify as an elector for the office to be elected shall be the period of qualification specified under section 12 or 13 and the period following such qualification period terminating on the date of the receipt by the clerk of the municipality of the copy of the judgment under subsection 111 (6);
- (c) vacancy otherwise occurs and the council of the municipality or a school board for which the clerk is required to hold elections requires an election to be held to fill the vacancy, the period during which a person may qualify as an elector for the office to be elected shall be the period of qualification specified under section 12 or 13 and the period following such qualification period terminating on the date of the directive, by-law or notice specified in clause (1) (a), (b) or (c); and
- (d) by-law or question is to be submitted to the electors, the period during which a person may qualify as an elector entitled to vote on the by-law or question, as the case may be, shall be the period of qualification specified under section 12 or 13 and the period following such qualification period terminating on the date of the order of the Ontario Municipal Board given under section 132 of the *Municipal Act*.

Commence-
ment

25.—(1) This Act, except sections 2 to 4, sections 6 to 21 and sections 23 and 24, comes into force on the day it receives Royal Assent.

Idem

(2) Section 6, subsections 7 (2) and (3), sections 8 and 9, subsection 10 (2) and sections 11 and 12 shall be deemed to have come into force on the 15th day of October, 1981 and apply to every complaint, appeal, action or other proceeding in respect of an assessment under this Act where such complaint, appeal, action or other proceeding is,

(a) pending before any court or tribunal on the 15th day of October, 1981;

(b) capable of being appealed to any court or tribunal on the 15th day of October, 1981; or

(c) commenced on or after the 15th day of October, 1981.

Idem

(3) Sections 2 to 4, subsection 7 (1), subsection 10 (1), sections 17 to 21 and section 23 come into force on the 1st day of November, 1981.

Idem

(4) Sections 13, 15 and 16 come into force on the 1st day of December, 1981.

Idem

(5) Section 14 comes into force on the 1st day of December, 1981 and applies in respect of every assessment for taxation in the year 1982 and subsequent years of any unit or proposed unit within the meaning of the *Condominium Act*, whether such unit or proposed unit was or is created before or after that date.

R.S.O. 1980,
c. 84

Idem

(6) Section 24 comes into force on the 1st day of January, 1982.

Short title

26. The short title of this Act is the *Assessment Amendment Act, 1981*.

CHAPTER 48

An Act to amend the Highway Traffic Act

Assented to November 19th, 1981

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 (1) of the *Highway Traffic Act*, being chapter 198 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following paragraph: s. 1 (1),
amended

38a. "trailer converter dolly" means a device consisting of one or more axles, a fifth wheel lower-half and a tow bar.

2. Subsection 9 (3) of the said Act is amended by striking out "2,750 kilograms" in the second line and inserting in lieu thereof "1,360 kilograms". s. 9 (3),
amended

3. The said Act is amended by adding thereto the following section: s. 9a,
enacted

9a.—(1) No owner of a motor vehicle shall drive or permit his motor vehicle to be driven on a highway unless the motor vehicle has the manufacturer's vehicle identification number permanently affixed. Manufacturer's
vehicle identi-
fication
number
to be affixed

(2) No owner of, Idem

(a) a trailer that has a manufacturer's gross vehicle weight rating exceeding 1,360 kilograms;

(b) a conversion unit; or

(c) a trailer converter dolly,

shall draw or permit the trailer, conversion unit or trailer converter dolly to be drawn on a highway unless the trailer, conversion unit or trailer converter dolly, as the case may be, has an identification number permanently affixed.

s. 35,
re-enacted

4. Section 35 of the said Act is repealed and the following substituted therefor:

Driving
while
driver's
licence
suspended

35.—(1) Every person who drives a motor vehicle on a highway while his driver's licence is suspended under an Act of the Legislature or a regulation made thereunder is guilty of an offence and on conviction is liable,

(a) for a first offence, to a fine of not less than \$250 and not more than \$2,000; and

(b) for each subsequent offence, to a fine of not less than \$500 and not more than \$2,000,

or to imprisonment for a term of not more than six months, or to both.

Subsequent
offence

(2) Where a person who has previously been convicted of an offence under subsection (1) is convicted of the same offence within five years after the date of the previous conviction, the offence for which he is last convicted shall be deemed to be a subsequent offence for the purpose of clause (1) (b).

Licence
suspended

(3) The driver's licence of a person who is convicted of an offence under subsection (1) is thereupon suspended for a period of six months in addition to any other period for which the licence is suspended, and consecutively thereto.

s. 36,
amended

5. Section 36 of the said Act is amended by striking out "this Act or the regulations" in the first and second lines and inserting in lieu thereof "an Act of the Legislature or a regulation made thereunder".

s. 42 (2),
amended

- 6.—(1) Subsection 42 (2) of the said Act is amended by striking out "2,750 kilograms" in the third line and inserting in lieu thereof "1,360 kilograms".

s. 42 (3),
amended

(2) Subsection 42 (3) of the said Act is amended by striking out "2,750 kilograms" in the fourth line and inserting in lieu thereof "1,360 kilograms".

s. 43,
amended

7. Section 43 of the said Act is amended by adding thereto the following clause:

(d) "vehicle", in addition to the meaning set out in subsection 1 (1), includes a conversion unit and a trailer converter dolly.

8. Section 65 of the said Act is repealed and the following substituted therefor: s. 65,
re-enacted

65.—(1) Every constable and every officer appointed for the purpose of carrying out the provisions of this Act may require the driver or owner of any motor vehicle or motor assisted bicycle to submit such motor vehicle or motor assisted bicycle, together with its equipment and any trailer attached thereto, to such examinations and tests as the constable or officer may consider expedient. Examination
of vehicle

(2) Where any such vehicle, equipment or trailer is found to be in a dangerous or unsafe condition, the constable or officer making the examination or tests may require the driver or owner of the vehicle to proceed to have the vehicle, equipment or trailer placed in a safe condition and may order the vehicle or trailer to be removed from the highway and may prohibit the operation of the vehicle or trailer on the highway until the vehicle, equipment or trailer has been placed in a safe condition. Use of unsafe
vehicle
prohibited

(3) Every person who refuses or fails to comply with a requirement made under subsection (1) is guilty of an offence and on conviction is liable to a fine of not more than \$500. Penalty

(4) Subsection (3) does not apply unless the constable or officer has given to the person a written notice in the prescribed form requiring him to submit the motor vehicle or motor assisted bicycle, together with its equipment and any trailer attached thereto, to examination and tests. Notice
requiring
examination
and tests

(5) Where the operation of a motor vehicle, motor assisted bicycle or trailer has been prohibited under subsection (2), the constable or officer may seize the number plates of the vehicle or trailer that is in a dangerous or unsafe condition and hold them until such vehicle or trailer has been placed in a safe condition. Seizure of
plates

(6) The Lieutenant Governor in Council may make regulations prescribing forms for the purposes of subsection (4). Forms

9. Subsections 104 (6) to (14) of the said Act are repealed and the following substituted therefor: s. 104 (6),
re-enacted
s. 104 (7-14),
repealed

(6) Every person who contravenes any of the provisions of subsection (1) is guilty of an offence and on conviction is liable to a fine as if he had been convicted under section 106 and the Registrar may suspend the permit issued under section 7 for the vehicle or vehicles involved, and the suspension shall continue until a new permit at the maximum gross vehicle weight allowable has been issued for the vehicle or vehicles and the fee therefor has been paid. Penalty

ss. 104a, 104b,
enacted

10. The said Act is amended by adding thereto the following sections:

Weight load

104a.—(1) Subject to section 93, during a reduced load period no commercial motor vehicle or trailer, other than a public vehicle or a vehicle referred to in subsection (2), shall be operated or drawn upon any designated highway where the weight upon an axle exceeds 5,000 kilograms.

Idem

(2) Subject to section 93, during a reduced load period,

- (a) no two axle tank-truck, while used exclusively for the transportation of liquid or gaseous heating fuel;
- (b) no two axle truck, while used exclusively for the transportation of livestock feed; and
- (c) no vehicle transporting live poultry,

shall be operated upon any designated highway where the weight upon an axle exceeds 7,500 kilograms.

Idem

(3) Subject to section 93, during a reduced load period no vehicle having a carrying capacity in excess of 1,000 kilograms, other than a motor vehicle or trailer, shall be operated upon any designated highway where the weight upon any millimetre in the width of a tire exceeds five kilograms.

Exceptions

(4) Subsections (1) and (3) do not apply to,

- (a) vehicles operated by or on behalf of a municipality or other authority having jurisdiction and control of a highway, where such vehicles are engaged in highway maintenance, including the carriage and application of abrasives or chemicals to the highway, the stockpiling of abrasives or chemicals for use on a highway, or the removal of snow from a highway;
- (b) vehicles used exclusively for the transportation of milk;
- (c) fire apparatus;
- (d) vehicles operated by or on behalf of a municipality transporting waste; or
- (e) public utility emergency vehicles.

Designation

(5) An official of the Ministry authorized by the Minister in writing may designate the date on which a reduced load period shall start or end and the King's Highway or highway in territory without municipal organization, or portion thereof, to which the designation applies.

(6) A designation under subsection (5) is not a regulation within the meaning of the *Regulations Act*. R.S.O. 1980, c. 446 does not apply

(7) The municipal corporation or other authority having jurisdiction over a highway may by by-law designate the date on which a reduced load period shall start or end and the highway or portion thereof under its jurisdiction to which the designation applies. Designation by municipality

104b.—(1) The Minister may make regulations limiting the gross vehicle weight of any vehicle or any class thereof passing over a bridge forming part of the King's Highway or a highway in territory without municipal organization and notice of the limit of the weights fixed by such regulation, legibly printed, shall be posted up in a conspicuous place at each end of the bridge. Regulations limiting weight on bridges

(2) The municipal corporation or other authority having jurisdiction over a bridge may by by-law approved by the Ministry limit the gross vehicle weight of any vehicle or any class thereof passing over such bridge, and the requirements of subsection (1) with respect to the posting up of notice apply thereto. By-laws limiting weight on bridges

- 11.** Section 106 of the said Act, exclusive of the clauses, is repealed and the following substituted therefor: s. 106, amended

106. Every person who contravenes any of the provisions of subsection 98 (1), sections 99, 100 and 101, subsection 102 (3), section 103 or subsections 104a (1), (2) or (3) or a regulation made under subsection 104b (1) or a by-law made under subsection 104b (2) is guilty of an offence and on conviction is liable to a fine of, Penalty

- 12.** Subsection 112 (1) of the said Act is repealed and the following substituted therefor: s. 112 (1), re-enacted

(1) For the purpose of this Act, the Minister may make regulations providing for the regulation and control of traffic on any highway or portion of a highway in territory without municipal organization where the highway is not under the jurisdiction and control of the Ministry. Territory without municipal organization

- 13.** Subsection 114 (6) of the said Act is repealed and the following substituted therefor: s. 114 (6), re-enacted

(6) The Minister may make regulations providing for the posting of signs and the placing of traffic control devices on any highway or any type or class thereof for the purposes of this section, and prescribing the types of signs and traffic control devices. Regulations

s. 119,
amended

- 14.** Section 119 of the said Act is amended by adding thereto the following subsection:

Exception
to subs. (1)

(2) Subsection (1) does not apply to a driver or operator entering a highway from a private road or driveway controlled by a signal head of a signal-light traffic control system.

s. 124,
amended

- 15.** The said section 124 is amended by adding thereto the following subsection:

Idem

(23a) Notwithstanding subsection (22), where traffic signal-lights are installed as part of a traffic metering system,

(a) one signal-light shall be located to the left side of the roadway, not less than one metre from the level of the roadway; and

(b) one signal-light shall be located to the right side of the roadway, not less than 2.75 metres from the level of the roadway.

s. 124a,
enacted

- 16.** The said Act is further amended by adding thereto the following section:

Blocking
intersection

124a.—(1) The council of a municipality may by by-law prohibit the driver or operator of a vehicle approaching a green signal-light at an intersection from entering the intersection unless traffic in front of him is moving in a manner that would reasonably lead him to believe he can clear the intersection before the signal-light turns red.

Idem

(2) A by-law passed under subsection (1) does not apply to the driver or operator of a vehicle who enters an intersection for the purpose of turning to the right or left into an intersecting highway and signals his intention to make such turn prior to entering the intersection.

Idem

(3) A by-law passed under subsection (1) shall apply to all signalized intersections of highways under the jurisdiction of the municipality.

s. 129,
re-enacted

- 17.** Section 129 of the said Act is repealed and the following substituted therefor:

Passing to
right of
vehicle

129.—(1) The driver of a motor vehicle may overtake and pass to the right of another vehicle only where such movement can be made in safety and,

(a) the vehicle overtaken is making or about to make a left turn or its driver has signalled his intention to make a left turn;

- (b) is made on a highway with unobstructed pavement of sufficient width for two or more lines of vehicles in each direction; or
- (c) is made on a highway designated for the use of one-way traffic only.

(2) No driver of a motor vehicle shall overtake and pass another vehicle by driving off the roadway. Driving off roadway prohibited

(3) Subsection (2) does not apply to the driver of, Non-application of subs. (2)

- (a) a motor vehicle overtaking and passing to the right of another vehicle where the shoulder to the right of the roadway is paved and the vehicle overtaken is making or about to make a left turn or its driver has signalled his intention to make a left turn;
- (b) an ambulance or fire department vehicle as defined in section 43;
- (c) a police department or Ministry emergency vehicle; or
- (d) a tow truck where the driver is responding to a police request for assistance.

18. The said Act is further amended by adding thereto the following section: s. 135a, enacted

135a.—(1) No driver of a vehicle shall back the vehicle upon the roadway or shoulder of any highway divided by a median strip on which the maximum speed limit is in excess of 80 kilometres per hour. Backing prohibited

(2) Subsection (1) does not apply to, Exception to subs. (1)

- (a) the driver of an ambulance or fire department vehicle as defined in section 43;
- (b) the driver of a police department or Ministry vehicle; or
- (c) a person attempting to render assistance to another person.

19.—(1) Subsection 161 (1) of the said Act is repealed and the following substituted therefor: s. 161 (1), re-enacted

(1) The Minister may make regulations prohibiting or regulating the use of any highway or part thereof by pedestrians or animals or any class or classes of vehicles. Regulating or prohibiting use of highway by pedestrians, etc.

s. 161,
amended

- (2) The said section 161 is amended by adding thereto the following subsection:

Removing
pedestrians

- (3) Where a pedestrian is on a highway in contravention of a regulation made or by-law passed under this section, a police officer may require the pedestrian to accompany him to the nearest intersecting highway on which pedestrians are not prohibited and the pedestrian shall comply with the request.

s. 190 (2),
amended

- 20.** Subsection 190 (2) of the said Act is amended by striking out "33; section 111, 148 or 160" in the fourth and fifth lines and inserting in lieu thereof "33, 35, 111, 148 or 160; subsection 161 (3)".

s. 192 (1) (a),
re-enacted

- 21.** Clause 192 (1) (a) of the said Act is repealed and the following substituted therefor:

- (a) a conviction under section 30, 33 or 35 of this Act or section 234 of the *Criminal Code* (Canada); or

R.S.C. 1970,
c. C-34

Commence-
ment

- 22.**—(1) This Act, except sections 2, 3, 6, 8, 16, 17 and 18 comes into force on the day it receives Royal Assent.

Idem

- (2) Sections 16, 17 and 18 come into force on the 1st day of April, 1982.

Idem

- (3) Sections 2, 3 and 6 come into force on the 1st day of September, 1982.

Idem

- (4) Section 8 comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

- 23.** The short title of this Act is the *Highway Traffic Amendment Act, 1981*.

CHAPTER 49

An Act to amend the Environmental Protection Act

Assented to December 3rd, 1981

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The *Environmental Protection Act*, being chapter 141 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section: s. 40a,
enacted

40a.—(1) The ownership of waste that is accepted at a waste disposal site by the operator of the site is transferred to the operator upon acceptance. Ownership
of waste

(2) Where waste is desposited but not accepted at a waste disposal site, the ownership of the waste shall be deemed to be transferred to the operator of the site immediately before the waste is deposited. Where
waste not
accepted

(3) Subsections (1) and (2) apply only in respect of a waste disposal site for which a certificate of approval or a provisional certificate of approval is in force. Certificate
of approval

(4) Subsection (1) applies only in the absence of a contract to the contrary. Effect of
contract

(5) Subsections (1) to (4) do not relieve any person from liability except liability as owner of waste that is delivered to and accepted by the operator of a waste disposal site in accordance with law including an applicable certificate of approval or provisional certificate of approval. Liability

(6) Where the operator of a waste disposal site is not the owner of the land on which the site is located, subsections (1) and (2) do not prevent the ownership of waste that is accepted or deposited at the site from being transferred to the owner of the land. Owner of
land

2. The said Act is further amended by adding thereto the following sections: ss. 47a-47h,
enacted

VEHICLE PERMITS

Interpre-
tation

47a.—(1) In this section and in sections 47b to 47h,

- (a) “hauled liquid industrial waste or hazardous waste” means hauled liquid industrial waste or hazardous waste as designated in the regulations relating to Part V;
- (b) “number plates” means number plates issued under the *Highway Traffic Act*;
- (c) “offence” means offence under this Act or the regulations or under subsection 16 (1) of the *Ontario Water Resources Act*;
- (d) “permit” means permit issued under section 7 of the *Highway Traffic Act*;
- (e) “Registrar” means Registrar of Motor Vehicles under the *Highway Traffic Act*.

R.S.O. 1980,
c. 198

R.S.O. 1980,
c. 361

Seizure of
permit and
number plates

(2) A police officer or a provincial officer may seize the permit and the number plates for a vehicle where he is of the opinion, upon reasonable and probable grounds,

- (a) that the vehicle was used or is being used in the commission of an offence in respect of hauled liquid industrial waste or hazardous waste; and
- (b) that the continued operation of the vehicle will result or is likely to result in,
 - (i) impairment of the quality of the natural environment for any use that can be made of it,
 - (ii) injury or damage to property or to plant or animal life,
 - (iii) harm or material discomfort to any person,
 - (iv) an adverse effect on the health of any person,
 - (v) impairment of the safety of any person, or
 - (vi) rendering any property or plant or animal life unfit for use by man.

Safekeeping

(3) The police officer or provincial officer,

(a) shall deliver the permit and the number plates into the custody of the Registrar pending disposition as provided in sections 47b to 47h; and

(b) shall give notice to the Registrar of the date when the permit and the number plates were seized.

(4) The Registrar shall give notice of the delivery into custody and of the date of the seizure to the person to whom the permit and the number plates were issued.

Notice by
Registrar

47b.—(1) Where a person is convicted of an offence in respect of hauled liquid industrial waste or hazardous waste, the court may order the suspension of the permit and the detention of the number plates for any vehicle that the court is satisfied was used in the commission of the offence, if the court is satisfied that the continued operation of the vehicle will result or is likely to result in any of the effects mentioned in subsection 47a (2).

Suspension
of permit
and detention
of number
plates

(2) The court may fix such period of time, not exceeding five years, for the suspension of the permit and the detention of the number plates as the court considers proper.

Term of
suspension
and
detention

(3) Where the permit and the number plates were seized under section 47a, the period of the suspension and detention shall be calculated from the date of the seizure.

Idem

(4) Where the permit and the number plates have not been seized, the court may order that the permit and the number plates shall be seized and delivered to the Registrar.

Order
for
seizure

(5) Where the permit to drive the vehicle on a highway and the number plates were issued by an authority outside Ontario and not under the *Highway Traffic Act*, the court shall not act under subsection (1) but may order the Registrar to return the permit and the number plates to the authority that issued them.

Out-of-
province
permit and
number
plates
R.S.O. 1980,
c. 198

(6) The court may issue an order under this section in addition to any other penalty imposed.

Order is
additional
to any other
penalty

(7) The prosecutor shall give to the Registrar and to the person to whom the permit and the number plates were issued notice of the commencement of the proceedings in respect of the offence mentioned in subsection (1).

Notice of
commence-
ment of
proceedings

(8) Subsections (1) and (5) do not apply unless the court is satisfied that the person to whom the permit and the number plates were issued was notified, before the defendant entered his plea, that an order would be sought under this section.

Notice of
intention to
seek order

Right to be
added as a
party

(9) A person given notice under subsection (8) has the right to be added as a party to the proceedings in respect of the offence mentioned in subsection (1) for the purpose,

- (a) of satisfying the court that the vehicle was not used in the commission of the offence;
- (b) of satisfying the court that the continued operation of the vehicle will not result and is not likely to result in any of the effects mentioned in subsection 47a (2); or
- (c) of making submissions to the court with respect to the issuance of an order under this section,

or for all of such purposes.

Duty to
give notice

(10) A prosecutor who intends not to seek a penalty under this section shall give notice of that fact to the court, to the Registrar and to the person to whom the permit and the number plates were issued.

Notice of
intention
not to seek
penalty

(11) Subsections (1), (4) and (5) do not apply where the prosecutor gives notice to the person to whom the permit and the number plates were issued that a penalty will not be sought under this section.

Order to
detain
permit and
number
plates
pending
payment of
penalty

47c.—(1) Where,

- (a) a person is convicted of an offence in respect of hauled liquid industrial waste or hazardous waste; and
- (b) the court is satisfied,
 - (i) that the permit and the number plates for a vehicle used in the commission of the offence are in the possession of the Registrar or are the subject of an order for seizure and delivery to the Registrar, and
 - (ii) that the person to whom the permit and the number plates were issued was notified that a penalty would be sought under section 47b,

the court may order the Registrar to detain the permit and the number plates until any fine imposed upon the conviction mentioned in clause (a) is paid.

Duty of
court
clerk

(2) The clerk of the court shall transmit to the Registrar,

- (a) a copy of the order made under subsection (1) together with a certificate as to the issuance of the order; and

- (b) upon payment of the fine, a certificate by the clerk as to the payment.

47d. An appeal lies from an order or a refusal to issue an order under section 47b or 47c in the same manner as an appeal from a conviction or acquittal in respect of an offence mentioned in such section. Appeal

47e.—(1) Where the Registrar is satisfied as to the circumstances set out in subsection (2), the Registrar upon application by the person to whom the permit and the number plates were issued shall return the permit and the number plates or, upon payment of any fees prescribed therefor under the *Highway Traffic Act*, Return of permit and number plates
R.S.O. 1980,
c. 198

- (a) shall renew the permit and return or issue new number plates; or

- (b) shall issue a new permit and new number plates,

as the case requires.

- (2) The circumstances referred to in subsection (1) are that, When return to be made

- (a) the prosecutor has given notice that an order will not be sought,

- (i) for the suspension of the permit and the detention of the number plates, or

- (ii) for the return of the permit and the number plates to the authority outside Ontario that issued them;

- (b) at the conclusion of an investigation, no proceedings are commenced in respect of the offence mentioned in subsection 47b (1);

- (c) notice of the commencement of the proceedings in respect of the offence mentioned in subsection 47b (1) is not given to the Registrar or to the person to whom the permit and the number plates were issued within thirty days of the seizure of the permit and the number plates;

- (d) every charge that has been laid is withdrawn;

- (e) any proceedings that have been commenced are finally disposed of without the issuance of an order,

- (i) for the suspension of the permit and the detention of the number plates,

(ii) for the return of the permit and the number plates to the authority outside Ontario that issued them, or

(iii) for the detention of the permit and the number plates pending payment of a fine;

(f) where an order has been issued for the suspension of the permit and the detention of the number plates, the period of the suspension and detention has been completed and, if an order has been issued for the detention of the permit and the number plates pending payment of a fine, the fine has been paid; or

(g) where an order has been issued for the detention of the permit and the number plates pending payment of a fine, the fine has been paid.

Unlawful
application
for permit

47f.—(1) No person whose permit or number plates for a vehicle,

(a) have been seized and are held in custody under section 47a;

(b) are under suspension or detention under section 47b or 47d; or

(c) are detained under section 47c,

shall apply for, procure the issue or renewal to him of or have in his possession a permit for the vehicle.

Unlawful
application
for
number
plates

(2) No person whose permit or number plates for a vehicle,

(a) have been seized and are held in custody under section 47a;

(b) are under suspension or detention under section 47b or 47d; or

(c) are detained under section 47c,

shall apply for, procure the issue to him of or have in his possession or on the vehicle number plates for the vehicle.

Transmittal
of copy
of order

47g. Where, under section 47b or 47d, an order is made or a charge is dismissed, the clerk or registrar of the court shall transmit to the Registrar a copy of the order or the minute of dismissal certified by the clerk or registrar.

47*h*.—(1) Upon application without notice, a justice, within the meaning of the *Provincial Offences Act*, who is satisfied that reasonable efforts have been made without success to give a notice under section 47*a* or 47*b*, or that such reasonable efforts would not be successful, may order substituted service of the notice in such manner as the justice may direct.

Substituted
service
R.S.O. 1980,
c. 400

(2) A notice given by substituted service in the manner directed under subsection (1) shall be deemed to be given on the day on which the substituted service is carried out.

Effect

3.—(1) Subsections 123 (1) and (2) of the said Act are repealed and the following substituted therefor:

s. 123 (1, 2),
re-enacted

(1) A hearing by the Board shall be a new hearing and the Board may confirm, alter or revoke the action of the Director that is the subject-matter of the hearing and may by order direct the Director to take such action as the Board considers the Director should take in accordance with this Act and the regulations, and, for such purposes, the Board may substitute its opinion for that of the Director.

Powers of
Board

(2) Any party to a hearing before the Board under this section may appeal from its decision or order on a question of law to the Divisional Court in accordance with the rules of court.

Appeal
to court

(2) Subsection 123 (1) of the *Environmental Protection Act*, as re-enacted by subsection (1), applies to hearings in respect of which the Board has not made a decision before this section comes into force.

Application,
hearings
R.S.O. 1980,
c. 141

(3) Subsection 123 (2) of the *Environmental Protection Act*, as re-enacted by subsection (1), applies only to appeals commenced after this section comes into force.

Application,
appeals

(4) Where it appears at any stage of an appeal to a county court that the appeal ought to have been taken to the Divisional Court, the appeal shall not on that account be dismissed, but a judge of the Divisional Court or of the county court may order the appeal transferred to the Divisional Court upon such terms as to costs and with such directions as to procedure as the judge considers proper.

Transfer of
appeals

(5) Subsection (4) does not apply in respect of an appeal that is commenced more than one year after the day this section comes into force.

Application
of subs. (4)

4. The said Act is further amended by adding thereto the following section:

s. 147,
enacted

Penalty where
hailed liquid
industrial
waste or
hazardous
waste
involved
R.S.O. 1980,
c. 361

147.—(1) Where any person is convicted of an offence under this Act or the regulations or under subsection 16 (1) of the *Ontario Water Resources Act* in respect of hauled liquid industrial waste or hazardous waste as designated in the regulations relating to Part V of this Act and the action or failure to act for which the person is convicted results or may result in,

- (a) impairment of the quality of the natural environment for any use that can be made of it;
- (b) injury or damage to property or to plant or animal life;
- (c) harm or material discomfort to any person;
- (d) an adverse effect on the health of any person;
- (e) impairment of the safety of any person;
- (f) rendering any property or plant or animal life unfit for use by man;
- (g) loss of enjoyment of normal use of property; or
- (h) interference with the normal conduct of business,

the person is liable to a fine of not less than \$2,000 and not more than \$25,000 for the first offence and for each subsequent offence to a fine of not less than \$4,000 and not more than \$50,000 for every day or part thereof upon which the offence occurs or continues, and not as provided in the section under which the person is convicted.

Where person
convicted
under
R.S.O. 1980,
c. 361,
s. 16 (1)

(2) A person who is convicted of an offence under subsection 16 (1) of the *Ontario Water Resources Act* in the circumstances mentioned in subsection (1) of this section is liable either to a fine under subsection (1) of this section or to the penalty of imprisonment under subsection 16 (1) of that Act or to both such fine and imprisonment.

Notice

(3) Subsection (1) does not apply unless the court is satisfied that the person was notified, before entering his plea, that a penalty would be sought under subsection (1).

Exception

(4) Subsection (1) does not apply in respect of an offence in respect of Part IX of this Act.

s. 148,
enacted

5.—(1) The said Act is further amended by adding thereto the following section:

148. Proceedings for an offence under this Act or the regulations shall not be commenced after two years after the date on which the offence was, or is alleged to have been, committed. Limitation

(2) Section 148 of the *Environmental Protection Act*, as enacted by subsection (1), does not apply in respect of an offence committed, or alleged to have been committed, before this section comes into force. Application of
R.S.O. 1980,
c. 141, s. 148

6. This Act comes into force on the day it receives Royal Assent. Commence-
ment

7. The short title of this Act is the *Environmental Protection Amendment Act, 1981*. Short title

CHAPTER 50

An Act to amend the
Ontario Water Resources Act*Assented to December 3rd, 1981*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Sections 21 and 22 of the *Ontario Water Resources Act*, being chapter 361 of the Revised Statutes of Ontario, 1980, are repealed and the following substituted therefor: ss. 21, 22,
re-enacted

WELLS

21.—(1) In this section and in sections 22 to 22q and subsection 44 (1a), Interpre-
tation

- (a) “Appeal Board” means the Environmental Appeal Board under the *Environmental Protection Act*; R.S.O. 1980,
c. 141
- (b) “construct”, when used with respect to a well, means bore, dig, drill or otherwise make, extend or alter;
- (c) “licensee” means the holder of a well contractor licence or a well technician licence, as the case requires;
- (d) “prescribed” means prescribed by the regulations;
- (e) “regulations” means the regulations made under subsection 44 (1a);
- (f) “well” means a hole made in the ground to locate or to obtain ground water or to test or to obtain information in respect of ground water or an aquifer, and includes a spring around or in which works are made or equipment is installed for collection or transmission of water and that is or is likely to be used as a source of water for human consumption;
- (g) “well construction permit” means a permit referred to in section 22;

(h) "well contractor licence" means a licence referred to in section 22c; and

(i) "well technician licence" means a licence referred to in section 22g.

Interpretation:
works or
equipment

(2) For the purposes of sections 21 to 22q and subsection 44 (1a), installing equipment in or connected to a well shall be deemed to be the constructing of a well.

Permit
required to
construct well
in designated
area

22. No person shall construct a well in an area designated by the regulations except under and in accordance with a well construction permit issued by a Director.

Issuance
of permit

22a. Subject to section 22b, any person who applies in accordance with this Act and the regulations for a well construction permit and who pays the prescribed fee is entitled to be issued the permit.

Grounds
for refusal
to issue,
etc.

22b. A Director may refuse to issue or to renew or may revoke a well construction permit, may impose terms and conditions in issuing or renewing or after issuing or renewing a well construction permit and may alter the terms and conditions of a well construction permit that has been issued or renewed where the Director is of the opinion, upon reasonable and probable grounds, that,

- (a) the proposed well or its operation would contravene this Act or the regulations or any other Act or a regulation under any other Act;
- (b) there is or is likely to be danger to the health or safety of any person;
- (c) there is or is likely to be harm or material discomfort to any person;
- (d) there is or is likely to be impairment of the quality of any air, land or water for any use that is being or is likely to be made of it;
- (e) there is or is likely to be reduction of the quantity of water available for any use that is being or is likely to be made of it;
- (f) there is or is likely to be injury or damage to any property or to plant or animal life;
- (g) any property or plant or animal life is or is likely to be rendered, directly or indirectly, unfit for use by man;

- (h) there is or is likely to be loss of enjoyment of the normal use of any property;
- (i) there is or is likely to be interference with the normal conduct of any business; or
- (j) there is a breach of a term or condition of the permit.

22c. No person shall engage in the business of constructing wells except under and in accordance with a well contractor licence issued by a Director or unless exempt under the regulations.

Well
contractor
licence
required

22d. Subject to sections 22e and 22f, a Director shall issue a well contractor licence to any applicant therefor who is qualified for the licence under sections 21 to 22q and the regulations and has paid the prescribed fee.

Issuance
of well
contractor
licence

22e. A Director may refuse to issue a well contractor licence where the Director is of the opinion, upon reasonable and probable grounds, that,

Grounds
for
refusal
to issue,
etc.

- (a) the past conduct of the applicant or, where the applicant is a corporation, of its officers or directors affords grounds for belief that the business of constructing wells will not be operated in accordance with the law and with honesty and integrity;
- (b) the applicant or, where the applicant is a corporation, its officers or directors are not competent to engage in the business of constructing wells; or
- (c) the applicant is not in a position to observe or carry out the provisions of sections 21 to 22q, the regulations and the licence; or
- (d) the applicant or, where the applicant is a corporation, its officers or directors have been grossly negligent in carrying on the business of constructing wells under the authority of a licence issued under section 22d or a predecessor of that section.

22f. A Director may revoke or suspend or may refuse to renew a well contractor licence where the Director is of the opinion, upon reasonable and probable grounds, that,

Grounds
for
revocation,
etc.

- (a) any person has made a false statement in any material part of the application for the licence or a renewal thereof or of any report, document or other information required to be furnished by this Act or the regulations

or any other Act or a regulation under any other Act that relates to wells;

- (b) the past conduct of the licensee or, where the licensee is a corporation, of its officers or directors affords grounds for belief that the business of constructing wells has not been operated or will not be operated in accordance with the law and with honesty and integrity;
- (c) the licensee is in contravention of sections 21 to 22*q* or the regulations;
- (d) a change in the officers or directors of a corporation that is a licensee affords grounds for refusing to issue a licence under clause 22*e* (a), (b) or (d);
- (e) the services that can be provided by the licensee have been misrepresented;
- (f) the licensee is not competent to carry on or has been grossly negligent in carrying on the business of constructing wells; or
- (g) the licensee is not in a position to observe or carry out the provisions of sections 21 to 22*q*, the regulations or the licence.

Well
technician

22*g*.—(1) No person shall work at the construction of wells except under and in accordance with a well technician licence of a prescribed class or unless exempt under the regulations.

Proof of
employment

(2) For the purposes of this section, proof of work on one occasion at the construction of a well is sufficient to establish work at the construction of wells.

Exception

- (3) Subsection (1) does not apply,
 - (a) to a person who works at the construction of a well on land owned by the person or by a member of the person's household; or
 - (b) to a person who works without remuneration for another person at the construction of a well on land owned by the other person or by a member of the other person's household.

Issuance
of licence

22*h*. Subject to sections 22*i* and 22*j*, a Director shall issue a well technician licence of a prescribed class to any applicant therefor who is qualified for the licence under sections 21 to 22*q* and the regulations and has paid the prescribed fee.

22i. A Director may refuse to issue a well technician licence where the Director is of the opinion, upon reasonable and probable grounds, that the applicant is not competent to carry on the activities that would be authorized by the licence.

Grounds
for
refusal
to issue

22j. A Director may revoke or suspend or may refuse to renew a well technician licence where the Director is of the opinion, upon reasonable and probable grounds, that,

Grounds
for
refusal
to renew,
etc.

(a) any person has made a false statement in any material part of the application for the licence or a renewal thereof or of any report, document or other information required to be furnished by this Act or the regulations or any other Act or a regulation under any other Act that applies to the construction of wells;

(b) the licensee is in contravention of sections 21 to 22q or the regulations; or

(c) the licensee is not competent to carry on or has been grossly negligent in carrying on the activities that are authorized by the licence.

22k.—(1) Where a Director proposes,

Notice of
proposal
to refuse
to renew,
etc.

(a) to refuse to issue or renew a well construction permit;

(b) to revoke a well construction permit;

(c) to impose terms and conditions in a well construction permit;

(d) to alter the terms and conditions in a well construction permit;

(e) to refuse to issue or renew a well contractor licence or a well technician licence; or

(f) to revoke or suspend a well contractor licence or a well technician licence,

the Director shall serve notice of his proposal, together with written reasons therefor, on the applicant, permittee or licensee, and the applicant, permittee or licensee may, by written notice served upon the Director and the Appeal Board within fifteen days after the service of the notice of the Director, require a hearing by the Appeal Board.

(2) Where an applicant, permittee or licensee requires a hearing by the Appeal Board in accordance with subsection (1), the

Powers of
Appeal
Board
where
hearing

Appeal Board shall appoint a time and place for and hold the hearing and may by order direct the Director to carry out his proposal or refrain from carrying out his proposal and to take such action as the Appeal Board considers the Director ought to take in accordance with sections 21 to 22q and the regulations, and for such purposes the Appeal Board may substitute its opinion for that of the Director.

Parties

(3) The applicant, permittee or licensee, the Director and any other persons specified by the Appeal Board are parties to the hearing.

Extension of time for requiring hearing

(4) The Appeal Board shall extend the time for the giving of notice requiring a hearing by an applicant, permittee or licensee referred to in subsection (1), either before or after the expiration of such time, where it is satisfied that there are reasonable grounds for granting the extension and that there are *prima facie* grounds for granting relief to the applicant, permittee or licensee referred to in subsection (1), and the Appeal Board may give such directions as it considers proper consequent upon the extension.

Notice of hearing

(5) Notice of hearing under subsection (2) shall state that the applicant, permittee or licensee is entitled to and the Appeal Board shall give to the applicant, permittee or licensee a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the issue or retention of the permit or licence or to take such action as will preclude the necessity for imposing or altering terms or conditions in the permit.

Examination of documentary evidence

(6) An applicant, permittee or licensee who is a party to proceedings under this section shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.

Recording of evidence

(7) The oral evidence taken before the Appeal Board at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court.

Findings of fact

(8) The findings of fact of the Appeal Board pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of the *Statutory Powers Procedure Act*.

R.S.O. 1980,
c. 484

Release of documentary evidence

(9) Documents and things put in evidence at the hearing shall, upon the request of the person who produced them, be released to him by the Appeal Board within a reasonable time after the matter in issue has been finally determined.

(10) Any party to proceedings before the Appeal Board under this section may appeal from its decision on a question of law to the Divisional Court in accordance with the rules of court. Appeal to court

(11) Where any party appeals from a decision of the Appeal Board to the Divisional Court, the Appeal Board shall forthwith file in the Supreme Court the record of the proceedings before it, which, together with the transcript of the evidence if it is not part of the Appeal Board's record, shall constitute the record in the appeal. Record to be filed in court

(12) Any party to a hearing before the Appeal Board, within thirty days after receipt of the decision of the Appeal Board or within thirty days after final disposition of an appeal, if any, under subsection (10), may appeal in writing to the Minister on any matter other than a question of law and the Minister shall confirm, alter or revoke the decision of the Appeal Board as to the matter in appeal as he considers in the public interest. Appeal to Minister

(13) Where an applicant, permittee or licensee does not require a hearing by the Appeal Board under this section, the Director may carry out his proposal stated in the notice under subsection (1). Power of Director where no hearing

(14) Where a hearing by the Appeal Board is required under this section, the Director, subject to section 22l, shall not carry out his proposal until final disposition of the hearing and any appeal. Where hearing required

22l.—(1) Upon application by the Director and subject to subsection (4), the Appeal Board may order that a proposal under section 22k may be carried out at once notwithstanding that a hearing is or may be required under that section or that the applicant, permittee or licensee fails to appear on the hearing of the application or the Appeal Board may make a decision not to make such an order. Application for interim order

(2) An application under subsection (1) must be made on not less than three full days notice to the applicant, permittee or licensee. Notice

(3) The respondent to an application under subsection (1) may appear in person or by an agent at the hearing of the application or may make submissions to the Appeal Board by telephone or other means for consideration at the hearing. Appearance by respondent

(4) The Appeal Board may make an order under subsection (1) only where the Appeal Board is satisfied that the order is necessary for the protection of the public or of any member of the public. Grounds for order

Order may be
subject to
conditions

(5) An order or a decision under subsection (1) may be made subject to such conditions as the Appeal Board considers appropriate.

When
order
terminates

(6) An order under subsection (1) and a proposal carried out in accordance with the order are effective until final disposition of the hearing and any appeal.

Application
of s. 62 (2)

(7) Subsection 62 (2), which relates to the enforcement of orders, does not apply to an order under subsection (1).

Expiry

22m.—(1) Every well construction permit, every well contractor licence and every well technician licence expires on the 31st day of March in the year next following the year of its issue or renewal.

Continuation
of licence
pending
renewal

(2) Where a licensee has applied for a renewal of his licence and paid the prescribed fee before expiry of the licence, his licence shall be deemed to continue,

(a) until the renewal is granted; or

(b) where he is served with notice that the Director proposes to refuse to grant the renewal, until the time for serving notice requiring a hearing by the Appeal Board has expired and, where a hearing is required, until final disposition of the hearing and any appeal.

Application
of s. 22l (1)

(3) Subsection (2) does not apply where an order is made under subsection 22l (1).

Transfer

22n. A well construction permit, well contractor licence or well technician licence is not transferable.

Continuance

22o. Every person who is licensed to carry on the business of boring or drilling wells for water immediately before this section comes into force shall be deemed to be the holder of a well contractor licence and unless sooner surrendered, suspended or revoked, the licence continues in force until the 31st day of March in the year next following the year in which this section comes into force.

Service

22p.—(1) Any notice, order or other document under sections 21 to 22q or the regulations is sufficiently served if delivered personally or sent by registered mail addressed to the person to whom service is to be made at the latest address appearing on the records of the Ministry.

Idem

(2) A notice, order or other document sent by registered mail shall, unless in good faith the contrary is shown, be deemed to be

served or delivered on the seventh day following the day on which it is sent.

22*q*. Every person who contravenes any provision of sections 21 to 22*p* or the regulations is guilty of an offence and on conviction is liable to a fine of not more than \$1,000. Offence

2.—(1) Clauses 44 (1) (*n*), (*o*), (*p*) and (*q*) of the said Act are repealed. s. 44 (1) (*n-q*),
repealed

(2) The said section 44 is amended by adding thereto the following subsection: s. 44,
amended

(1*a*) The Lieutenant Governor in Council may make regulations relating to sections 21 to 22*q*, Idem

- (*a*) designating areas for the purpose of section 22;
- (*b*) regulating the location and spacing of wells;
- (*c*) regulating the methods and materials used in the construction of wells;
- (*d*) regulating the maintenance of wells and the materials used in the maintenance of wells;
- (*e*) regulating the use of wells;
- (*f*) regulating the cleaning, testing, disinfecting and decontaminating of wells;
- (*g*) prescribing standards for the construction, use, maintenance, cleaning, testing, disinfecting and decontamination of wells and requiring compliance with such standards;
- (*h*) prescribing circumstances in which wells shall be abandoned and requiring their abandonment in such circumstances;
- (*i*) prescribing standards to be complied with when wells are abandoned and requiring compliance with such standards;
- (*j*) requiring the keeping of records and the making of returns of information in respect of wells and providing for the inspection and examination of the records;
- (*k*) prescribing the methods of obtaining information to be included in records and returns;

- (l) providing for the examination of applicants for well contractor licences and well technician licences;
- (m) prescribing standards of qualification for applicants for well contractor licences and well technician licences;
- (n) prescribing or approving work experience for qualification for well technician licences;
- (o) prescribing classes of well technician licences;
- (p) prescribing forms and providing for their use;
- (q) prescribing fees for the examination of applicants for well contractor licences and well technician licences and for the issue and renewal of well construction permits, well contractor licences and well technician licences;
- (r) prescribing conditions that shall attach to well construction permits, well contractor licences and well technician licences;
- (s) requiring persons engaged in the business of constructing wells to carry insurance or furnish bonds or both and fixing the amount, type, form and particulars of the insurance or bond;
- (t) exempting any class of wells or any class of persons from any provision of sections 21 to 22q or the regulations and prescribing conditions that shall attach to such exemptions.

s. 54,
re-enacted

3.—(1) Section 54 of the said Act is repealed and the following substituted therefor:

Limitation

54.—(1) Proceedings for an offence under this Act or the regulations made under this Act shall not be commenced after two years after the date on which the offence was, or is alleged to have been, committed.

Idem

(2) Proceedings for an offence under a by-law passed under clause 46 (1) (c) or (d) shall not be commenced after one year after the date on which the offence was, or is alleged to have been, committed.

Application of
R.S.O. 1980,
c. 361, s. 54 (1)

(2) Subsection 54 (1) of the *Ontario Water Resources Act*, as re-enacted by subsection (1), does not apply in respect of an offence committed, or alleged to have been committed, before this section comes into force.

4. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commence-
ment
5. The short title of this Act is the *Ontario Water Resources Amend- Short title
ment Act, 1981.*

CHAPTER 51

An Act to amend the Pesticides Act

Assented to December 3rd, 1981

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) The *Pesticides Act*, being chapter 376 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section:

s. 34a.
enacted

34a. Proceedings for an offence against this Act or the regulations shall not be commenced after two years after the date on which the offence was, or is alleged to have been, committed.

Limitation

- (2) Section 34a of the *Pesticides Act*, as enacted by subsection (1), does not apply in respect of an offence committed, or alleged to have been committed, before this section comes into force.

Application of
R.S.O. 1980,
c. 376,
s. 34a

2. This Act comes into force on the day it receives Royal Assent.
3. The short title of this Act is the *Pesticides Amendment Act, 1981*.

Commence-
ment

Short title

CHAPTER 52

An Act to Validate certain Road Closings and Conveyances in the City of Ottawa*Assented to December 3rd, 1981*

WHEREAS by an agreement dated the 15th day of May, 1979, between Her Majesty the Queen in right of Canada, The Regional Municipality of Ottawa-Carleton and The Corporation of the City of Ottawa, the parties thereto agreed to certain terms under which the central business district of the City of Ottawa would be revitalized; and whereas it is considered advisable to validate and confirm certain actions taken pursuant to the terms of the agreement;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. All closing and stopping up of roads and highways and all conveyances and transfers of such closed and stopped up roads and highways pursuant to the terms of the said agreement, dated the 15th day of May, 1979, between Her Majesty the Queen in right of Canada, The Regional Municipality of Ottawa-Carleton and The Corporation of the City of Ottawa are hereby validated and confirmed as of the date the closing and stopping up and the conveyances and transfers were carried out.

Certain road closings and conveyances validated

2. This Act comes into force on the day it receives Royal Assent.

Commencement

3. The short title of this Act is the *City of Ottawa Road Closing and Conveyance Validation Act, 1981*.

Short title

CHAPTER 53

**An Act to revise and extend
Protection of Human Rights in Ontario***Assented to December 11th, 1981*

WHEREAS recognition of the inherent dignity and the equal Preamble
and inalienable rights of all members of the human family
is the foundation of freedom, justice and peace in the world and
is in accord with the Universal Declaration of Human Rights as
proclaimed by the United Nations;

AND WHEREAS it is public policy in Ontario to recognize the
dignity and worth of every person and to provide for equal rights
and opportunities without discrimination that is contrary to law,
and having as its aim the creation of a climate of understanding
and mutual respect for the dignity and worth of each person so
that each person feels a part of the community and able to con-
tribute fully to the development and well-being of the community
and the Province;

AND WHEREAS these principles have been confirmed in
Ontario by a number of enactments of the Legislature and it is
desirable to revise and extend the protection of human rights in
Ontario;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts as
follows:

PART I

FREEDOM FROM DISCRIMINATION

1. Every person has a right to equal treatment with respect to Services
services, goods and facilities, without discrimination because of
race, ancestry, place of origin, colour, ethnic origin, citizenship,
creed, sex, age, marital status, family status or handicap.

2.—(1) Every person has a right to equal treatment with Accommoda-
tion
respect to the occupancy of accommodation, without discrimi-
nation because of race, ancestry, place of origin, colour, ethnic

origin, citizenship, creed, sex, age, marital status, family status, handicap or the receipt of public assistance.

Harassment
in accom-
modation

(2) Every person who occupies accommodation has a right to freedom from harassment by the landlord or agent of the landlord or by an occupant of the same building because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, age, marital status, family status, handicap or the receipt of public assistance.

Contracts

3. Every person having legal capacity has a right to contract on equal terms without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, age, marital status, family status or handicap.

Employment

4.—(1) Every person has a right to equal treatment with respect to employment without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, age, record of offences, marital status, family status or handicap.

Harassment
in
employment

(2) Every person who is an employee has a right to freedom from harassment in the workplace by the employer or agent of the employer or by another employee because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, age, record of offences, marital status, family status or handicap.

Vocational
associations

5. Every person has a right to equal treatment with respect to membership in any trade union, trade or occupational association or self-governing profession without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, age, marital status, family status or handicap.

Harassment
because of
sex in
accommodation

6.—(1) Every person who occupies accommodation has a right to freedom from harassment because of sex by the landlord or agent of the landlord or by an occupant of the same building.

Harassment
because of
sex in
workplaces

(2) Every person who is an employee has a right to freedom from harassment in the workplace because of sex by his or her employer or agent of the employer or by another employee.

Sexual
solicitation
by a person
in position
to confer
benefit, etc.

(3) Every person has a right to be free from,

- (a) a sexual solicitation or advance made by a person in a position to confer, grant or deny a benefit or advancement to the person where the person making the solicitation or advance knows or ought reasonably to know that it is unwelcome; or
- (b) a reprisal or a threat of reprisal for the rejection of a sexual solicitation or advance where the reprisal is

made or threatened by a person in a position to confer, grant or deny a benefit or advancement to the person.

7. Every person has a right to claim and enforce his or her rights under his Act, to institute and participate in proceedings under this Act and to refuse to infringe a right of another person under this Act, without reprisal or threat of reprisal for so doing. Reprisals

8. No person shall infringe or do, directly or indirectly, anything that infringes a right under this Part. Infringement prohibited

PART II

INTERPRETATION AND APPLICATION

9. In Part I and in this Part, Interpretation

(a) "age" means an age that is eighteen years or more, except in subsection 4 (1) where "age" means an age that is eighteen years or more and less than sixty-five years;

~~A~~ (b) "because of handicap" means for the reason that the person has or has had, or is believed to have or have had,

(i) any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and, without limiting the generality of the foregoing, including diabetes mellitus, epilepsy, any degree of paralysis, amputation, lack of physical co-ordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a dog guide or on a wheelchair or other remedial appliance or device,

(ii) a condition of mental retardation or impairment,

(iii) a learning disability, or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language, or

(iv) a mental disorder;

(c) "equal" means subject to all requirements, qualifications and considerations that are not a prohibited ground of discrimination;

(d) "family status" means the status of being in a parent and child relationship;

(e) "group insurance" means insurance whereby the lives or well-being or the lives and well-being of a number of persons are insured severally under a single contract between an insurer and an association or an employer or other person;

(f) "harassment" means engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome;

(g) "marital status" means the status of being married, single, widowed, divorced or separated and includes the status of living with a person of the opposite sex in a conjugal relationship outside marriage;

(h) "record of offences" means a conviction for,

(i) an offence in respect of which a pardon has been granted under the *Criminal Records Act* (Canada) and has not been revoked, or

(ii) an offence in respect of any provincial enactment;

(i) "services" does not include a levy, fee, tax or periodic payment imposed by law;

(j) "spouse" means the person to whom a person of the opposite sex is married or with whom the person is living in a conjugal relationship outside marriage.

R.S.C. 1970,
c. 12
(1st Supp.)

Constructive
discrimina-
tion

10. A right of a person under Part I is infringed where a requirement, qualification or consideration is imposed that is not discrimination on a prohibited ground but that would result in the exclusion, qualification or preference of a group of persons who are identified by a prohibited ground of discrimination and of whom the person is a member, except where,

(a) the requirement, qualification or consideration is a reasonable and *bona fide* one in the circumstances; or

(b) it is declared in this Act that to discriminate because of such ground is not an infringement of a right.

Discrimin-
ation
because of
association

11. A right under Part I is infringed where the discrimination is because of relationship, association or dealings with a person or persons identified by a prohibited ground of discrimination.

12.—(1) A right under Part I is infringed by a person who publishes or displays before the public or causes the publication or display before the public of any notice, sign, symbol, emblem, or other similar representation that indicates the intention of the person to infringe a right under Part I or that is intended by the person to incite the infringement of a right under Part I. Announced intention to discriminate

(2) Subsection (1) shall not interfere with freedom of expression of opinion. Opinion

13.—(1) A right under Part I is not infringed by the implementation of a special program designed to relieve hardship or economic disadvantage or to assist disadvantaged persons or groups to achieve or attempt to achieve equal opportunity or that is likely to contribute to the elimination of the infringement of rights under Part I. Special programs

(2) The Commission may, Review by Commission

(a) upon its own initiative;

(b) upon application by a person seeking to implement a special program under the protection of subsection (1); or

(c) upon a complaint in respect of which the protection of subsection (1) is claimed,

inquire into the special program and, in the discretion of the Commission, may by order declare,

(d) that the special program, as defined in the order, does not satisfy the requirements of subsection (1); or

(e) that the special program as defined in the order, with such modifications, if any, as the Commission considers advisable, satisfies the requirements of subsection (1).

(3) A person aggrieved by the making of an order under subsection (2) may request the Commission to reconsider its order and section 36, with necessary modifications, applies. Reconsideration

(4) Subsection (1) does not apply to a special program where an order is made under clause (2) (d) or where an order is made under clause (2) (e) with modifications of the special program that are not implemented. Effect of order

(5) Subsection (2) does not apply to a special program implemented by the Crown or an agency of the Crown. Subs. (2) does not apply to Crown

Age
sixty-five
or over

14. A right under Part I to non-discrimination because of age is not infringed where an age of sixty-five years or over is a requirement, qualification or consideration for preferential treatment.

Canadian
Citizen-
ship

15.—(1) A right under Part I to non-discrimination because of citizenship is not infringed where Canadian citizenship is a requirement, qualification or consideration imposed or authorized by law.

Idem

(2) A right under Part I to non-discrimination because of citizenship is not infringed where Canadian citizenship or lawful admission to Canada for permanent residence is a requirement, qualification or consideration adopted for the purpose of fostering and developing participation in cultural, educational, trade union or athletic activities by Canadian citizens or persons lawfully admitted to Canada for permanent residence.

Idem

(3) A right under Part I to non-discrimination because of citizenship is not infringed where Canadian citizenship or domicile in Canada with the intention to obtain Canadian citizenship is a requirement, qualification or consideration adopted by an organization or enterprise for the holder of chief or senior executive positions.

Handicap

16.—(1) A right of a person under this Act is not infringed for the reason only,

(a) that the person does not have access to premises, services, goods, facilities or accommodation because of handicap, or that the premises, services, goods, facilities or accommodation lack the amenities that are appropriate for the person because of handicap; or

(b) that the person is incapable of performing or fulfilling the essential duties or requirements attending the exercise of the right because of handicap.

Powers of
Commission

(2) Where, after the investigation of a complaint, the Commission determines that the evidence does not warrant the appointment of a board of inquiry because of the application of subsection (1), the Commission may nevertheless use its best endeavours to effect a settlement as to the provision of access or amenities or as to the duties or requirements.

Special
interest
organi-
zations

17. The rights under Part I to equal treatment with respect to services and facilities, with or without accommodation, is not infringed where membership or participation in a religious, philanthropic, educational, fraternal or social institution or organization that is primarily engaged in serving the interests of persons identified by a prohibited ground of discrimination is restricted to persons who are similarly identified.

18.—(1) This Act shall not be construed to adversely affect any right or privilege respecting separate schools enjoyed by separate school boards or their supporters under *The British North America Act, 1867* and the *Education Act*.

Separate school rights preserved 1867, c. 3
R.S.O. 1980, c. 129

(2) This Act does not apply to affect the application of the *Education Act* with respect to the duties of teachers.

Duties of teachers

19.—(1) The right under section 1 to equal treatment with respect to services and facilities without discrimination because of sex is not infringed where the use of the services or facilities is restricted to persons of the same sex on the ground of public decency.

Restriction of facilities by sex

(2) The right under section 1 to equal treatment with respect to services and facilities is not infringed where membership in an athletic organization or participation in an athletic activity is restricted to persons of the same sex.

Athletic activities

(3) The right under section 1 to equal treatment with respect to services and facilities is not infringed where a recreational club restricts or qualifies access to its services or facilities or gives preferences with respect to membership dues and other fees because of age, sex, marital status or family status.

Recreational clubs

20.—(1) The right under section 2 to equal treatment with respect to the occupancy of residential accommodation without discrimination is not infringed by discrimination where the residential accommodation is in a dwelling in which the owner or his or her family reside if the occupant or occupants of the residential accommodation are required to share a bathroom or kitchen facility with the owner or family of the owner.

Shared accommodation

(2) The right under section 2 to equal treatment with respect to the occupancy of residential accommodation without discrimination because of sex is not infringed by discrimination on that ground where the occupancy of all the residential accommodation in the building, other than the accommodation, if any, of the owner or family of the owner, is restricted to persons who are of the same sex.

Restrictions on accommodation, sex

(3) The right under section 2 to equal treatment with respect to the occupancy of residential accommodation without discrimination because of marital status is not infringed by discrimination on that ground where the occupancy is in a building that contains not more than four dwelling units, one of which is occupied by the owner or family of the owner.

Idem: marital status

(4) The right under section 2 to equal treatment with respect to the occupancy of residential accommodation without discrimination because of family status is not infringed by discrimination on that ground where the residential accommodation is in

Idem: family status

a building, or designated part of the building, that contains more than one dwelling unit served by a common entrance and the occupancy of all the residential accommodation in the building or in the designated part of the building is restricted because of family status.

Restrictions
for insurance
contracts, etc.

21. The right under sections 1 and 3 to equal treatment with respect to services and to contract on equal terms, without discrimination because of age, sex, marital status, family status or handicap, is not infringed where a contract of automobile, life, accident or sickness or disability insurance or a contract of group insurance between an insurer and an association or person other than an employer, or a life annuity, differentiates or makes a distinction, exclusion or preference on reasonable and *bona fide* grounds because of age, sex, marital status, family status or handicap.

Discriminatory
employment
advertising

22.—(1) The right under section 4 to equal treatment with respect to employment is infringed where an invitation to apply for employment or an advertisement in connection with employment is published or displayed that directly or indirectly classifies or indicates qualifications by a prohibited ground of discrimination.

Application
for
employment

(2) The right under section 4 to equal treatment with respect to employment is infringed where a form of application for employment is used or a written or oral inquiry is made of an applicant that directly or indirectly classifies or indicates qualifications by a prohibited ground of discrimination.

Questions at
interview

(3) Nothing in subsection (2) precludes the asking of questions at a personal employment interview concerning a prohibited ground of discrimination where discrimination on such ground is permitted under this Act.

Employment
agencies

(4) The right under section 4 to equal treatment with respect to employment is infringed where an employment agency discriminates against a person because of a prohibited ground of discrimination in receiving, classifying, disposing of or otherwise acting upon applications for its services or in referring an applicant or applicants to an employer or agent of an employer.

Special
employment

23. The right under section 4 to equal treatment with respect to employment is not infringed where,

- (a) a religious, philanthropic, educational, fraternal or social institution or organization that is primarily engaged in serving the interests of persons identified by their race, ancestry, place of origin, colour, ethnic origin, creed, sex, age, marital status or handicap employs only, or gives preference in employment to, persons similarly identified if the qualification is a

reasonable and *bona fide* qualification because of the nature of the employment;

- (b) the discrimination in employment is for reasons of age, sex, record of offences or marital status if the age, sex, record of offences or marital status of the applicant is a reasonable and *bona fide* qualification because of the nature of the employment;
- (c) an individual person refuses to employ another for reasons of any prohibited ground of discrimination in section 4, where the primary duty of the employment is attending to the medical or personal needs of the person or of an ill child or an aged, infirm or ill spouse or other relative of the person; or
- (d) an employer grants or withholds employment or advancement in employment to a person who is the spouse, child or parent of the employer or an employee.

24.—(1) The right under section 4 to equal treatment with respect to employment is infringed where employment is denied or made conditional because a term or condition of employment requires enrolment in an employee benefit, pension or superannuation plan or fund or a contract of group insurance between an insurer and an employer, that makes a distinction, preference or exclusion on a prohibited ground of discrimination.

Employment conditional on membership in pension plan

(2) The right under section 4 to equal treatment with respect to employment without discrimination because of age, sex, marital status or family status is not infringed by an employee superannuation or pension plan or fund or a contract of group insurance between an insurer and an employer that complies with the *Employment Standards Act* and the regulations thereunder.

Pension or disability plan under R.S.O. 1980, c. 137

(3) The right under section 4 to equal treatment with respect to employment without discrimination because of handicap is not infringed,

Employee disability and pension plans: handicap

- (a) where a reasonable and *bona fide* distinction, exclusion or preference is made in an employee disability or life insurance plan or benefit because of a pre-existing handicap that substantially increases the risk;
- (b) where a reasonable and *bona fide* distinction, exclusion or preference is made on the ground of a pre-existing handicap in respect of an employee-pay-all or participant-pay-all benefit in an employee benefit, pension or superannuation plan or fund or a contract of group insurance between an insurer and an employer or in respect of a plan, fund or policy that is offered by an

employer to his employees if they are fewer than twenty-five in number.

Compensation (4) An employer shall pay to an employee who is excluded because of a handicap from an employee benefit, pension or superannuation plan or fund or a contract of group insurance between an insurer and the employer compensation equivalent to the contribution that the employer would make thereto on behalf of an employee who does not have a handicap.

Discrimination in employment under government contracts **25.**—(1) It shall be deemed to be a condition of every contract entered into by or on behalf of the Crown or any agency thereof and of every subcontract entered into in the performance thereof that no right under section 4 will be infringed in the course of performing the contract.

Idem: government grants and loans (2) It shall be deemed to be a condition of every grant, contribution, loan or guarantee made by or on behalf of the Crown or any agency thereof that no right under section 4 will be infringed in the course of carrying out the purposes for which the grant, contribution, loan or guarantee was made.

Sanction (3) Where an infringement of a right under section 4 is found by a board of inquiry upon a complaint and constitutes a breach of a condition under this section, the breach of condition is sufficient grounds for cancellation of the contract, grant, contribution, loan or guarantee and refusal to enter into any further contract with or make any further grant, contribution, loan or guarantee to the same person.

PART III

THE ONTARIO HUMAN RIGHTS COMMISSION

Commission continued **26.**—(1) The Ontario Human Rights Commission is continued and shall be composed of such persons, being not fewer than seven, as are appointed by the Lieutenant Governor in Council.

Responsible to Minister (2) The Commission is responsible to the Minister for the administration of this Act.

Chairman (3) The Lieutenant Governor in Council shall designate a member of the Commission as chairman, and a member as vice-chairman.

Remuneration (4) The Lieutenant Governor in Council may fix the remuneration and allowance for expenses of the chairman, vice-chairman and members of the Commission.

Staff (5) The employees of the Commission shall be appointed under the *Public Service Act*.

(6) The Commission may authorize any function of the Commission to be performed by a division of the Commission composed of at least three members of the Commission. Divisions

27.—(1) The Lieutenant Governor in Council shall designate at least three members of the Commission to constitute a race relations division of the Commission and shall designate one member of the race relations division as Commissioner for Race Relations. Race relations division

(2) It is the function of the race relations division of the Commission to perform any of the functions of the Commission under clause 28 (f), (g) or (h) relating to race, ancestry, place of origin, colour, ethnic origin or creed that are referred to it by the Commission and any other function referred to it by the Commission. Functions

28. It is the function of the Commission, Function of Commission

- (a) to forward the policy that the dignity and worth of every person be recognized and that equal rights and opportunities be provided without discrimination that is contrary to law;
- (b) to promote an understanding and acceptance of and compliance with this Act;
- (c) to recommend for consideration a special plan or program designed to meet the requirements of subsection 13 (1), subject to the right of a person aggrieved by the implementation of the plan or program to request the Commission to reconsider its recommendation and section 36 applies with necessary modifications;
- (d) to develop and conduct programs of public information and education and undertake, direct and encourage research designed to eliminate discriminatory practices that infringe rights under this Act;
- (e) to examine and review any statute or regulation, and any program or policy made by or under a statute and make recommendations on any provision, program or policy, that in its opinion is inconsistent with the intent of this Act;
- (f) to inquire into incidents of and conditions leading or tending to lead to tension or conflict based upon identification by a prohibited ground of discrimination and take appropriate action to eliminate the source of tension or conflict;

- (g) to initiate investigations into problems based upon identification by a prohibited ground of discrimination that may arise in a community, and encourage and co-ordinate plans, programs and activities to reduce or prevent such problems;
- (h) to promote, assist and encourage public, municipal or private agencies, organizations, groups or persons to engage in programs to alleviate tensions and conflicts based upon identification by a prohibited ground of discrimination;
- (i) to enforce this Act and orders of boards of inquiry; and
- (j) to perform the functions assigned to it by this or any other Act.

Evidence
obtained
in course of
investigation

29.—(1) No person who is a member of the Commission shall be required to give testimony in a civil suit or any proceeding as to information obtained in the course of an investigation under this Act.

Idem

(2) No person who is employed in the administration of this Act shall be required to give testimony in a civil suit or any proceeding other than a proceeding under this Act as to information obtained in the course of an investigation under this Act.

Annual
report

30.—(1) The Commission shall make a report to the Minister not later than the 30th day of June in each year upon the affairs of the Commission during the year ending on the 31st day of March of that year.

Idem

(2) The Minister shall submit the report to the Lieutenant Governor in Council who shall cause the report to be laid before the Assembly if it is in session, or, if not, at the next ensuing session.

PART IV

ENFORCEMENT

Complaints

31.—(1) Where a person believes that a right of his under this Act has been infringed, the person may file with the Commission a complaint in a form approved by the Commission.

Idem

(2) The Commission may initiate a complaint by itself or at the request of any person.

(3) Where two or more complaints,

Combining
of complaints

(a) bring into question a practice of infringement engaged in by the same person; or

(b) have questions of law or fact in common,

the Commission may combine the complaints and deal with them in the same proceeding.

32.—(1) Subject to section 33, the Commission shall investigate a complaint and endeavour to effect a settlement. Investigation
of complaints

(2) An investigation by the Commission may be made by a member or employee of the Commission who is authorized by the Commission for the purpose. Investigation

(3) A person authorized to investigate a complaint may,

Powers on
investigation

(a) enter any place, other than a place that is being used as a dwelling, at any reasonable time, for the purpose of investigating the complaint;

(b) request the production for inspection and examination of documents or things that are or may be relevant to the investigation;

(c) upon giving a receipt therefor, remove from a place documents produced in response to a request under clause (b) for the purpose of making copies thereof or extracts therefrom and shall promptly return them to the person who produced or furnished them; and

(d) question a person on matters that are or may be relevant to the complaint subject to the person's right to have counsel or a personal representative present during such questioning, and may exclude from the questioning any person who may be adverse in interest to the complainant.

(4) A person investigating a complaint shall not enter a place that is being used as a dwelling without the consent of the occupier except under the authority of a warrant issued under subsection (8). Entry into
dwellings

(5) Subject to subsection (4), if a person who is or may be a party to a complaint denies entry to any place, or instructs the person investigating to leave the place, or impedes or prevents an investigation therein, the Commission may request the Minister to appoint a board of inquiry or may authorize an employee or member to apply to a justice of the peace for a warrant to enter under subsection (8). Denial of
entry

Refusal to
produce

(6) If a person refuses to comply with a request for production of documents or things, the Commission may request the Minister to appoint a board of inquiry, or may authorize an employee or member to apply to a justice of the peace for a search warrant under subsection (7).

Warrant
for search

(7) Where a justice of the peace is satisfied on evidence upon oath that there are in a place documents that there is reasonable ground to believe will afford evidence relevant to the complaint, he may issue a warrant in the prescribed form authorizing a person named in the warrant to search a place for any such documents, and to remove them for the purposes of making copies thereof or extracts therefrom, and the documents shall be returned promptly to the place from which they were removed.

Warrant
for entry

(8) Where a justice of the peace is satisfied by evidence upon oath that there is reasonable ground to believe it is necessary that a place being used as a dwelling or to which entry has been denied be entered to investigate a complaint, he may issue a warrant in the prescribed form authorizing such entry by a person named in the warrant.

Execution
of warrant

(9) A warrant issued under subsection (7) or (8) shall be executed at reasonable times as specified in the warrant.

Expiration
of warrant

(10) Every warrant shall name a date on which it expires, which shall be a date not later than fifteen days after it is issued.

Obstruction

(11) No person shall hinder, obstruct or interfere with a person in the execution of a warrant or otherwise impede an investigation under this Act.

Idem

(12) Subsection (11) is not contravened by a refusal to comply with a request for the production of documents or things made under clause (3) (b).

Admissibility
of copies

(13) Copies of, or extracts from, documents removed from premises under clause (3) (c) or subsection (7) certified as being true copies of the originals by the person who made them, are admissible in evidence to the same extent as, and have the same evidentiary value as, the documents of which they are copies or extracts.

Decision
to not
deal with
complaint

33.—(1) Where it appears to the Commission that,

(a) the complaint is one that could or should be more appropriately dealt with under an Act other than this Act;

(b) the subject-matter of the complaint is trivial, frivolous, vexatious or made in bad faith;

(c) the complaint is not within the jurisdiction of the Commission; or

(d) the facts upon which the complaint is based occurred more than six months before the complaint was filed, unless the Commission is satisfied that the delay was incurred in good faith and no substantial prejudice will result to any person affected by the delay,

the Commission may, in its discretion, decide to not deal with the complaint.

(2) Where the Commission decides to not deal with a complaint, it shall advise the complainant in writing of the decision and the reasons therefor and of the procedure under section 36 for having the decision reconsidered.

Notice of
decision
and
reasons

34.—(1) The Minister shall appoint a panel of persons to act as members of boards of inquiry.

Panel of
members
for boards
of inquiry

(2) The members of boards of inquiry shall be paid such allowances and expenses as are fixed by the Lieutenant Governor in Council.

Remuner-
ation

35.—(1) Where the Commission fails to effect a settlement of the complaint and it appears to the Commission that the procedure is appropriate and the evidence warrants an inquiry, the Commission may request the Minister to appoint a board of inquiry and refer the subject-matter of the complaint to the board.

Referred
to board
of inquiry

(2) Where the Commission decides to not request the Minister to appoint a board of inquiry, it shall advise the complainant and the person complained against in writing of the decision and the reasons therefor and inform the complainant of the procedure under section 36 for having the decision reconsidered.

Notice of
decision
not to
appoint
inquiry

36.—(1) Within a period of fifteen days of the date of mailing the decision and reasons therefor mentioned in subsection 33 (2) or subsection 35 (2), or such longer period as the Commission may for special reasons allow, a complainant may request the Commission to reconsider its decision by filing an application for reconsideration containing a concise statement of the material facts upon which the application is based.

Reconsidera-
tion

(2) Upon receipt of an application for reconsideration the Commission shall as soon as is practicable notify the person

Notice of
application

complained against of the application and afford the person an opportunity to make written submissions with respect thereto within such time as the Commission specifies.

Decision

(3) Every decision of the Commission on reconsideration together with the reasons therefor shall be recorded in writing and promptly communicated to the complainant and the person complained against and the decision shall be final.

Appointment of board

37.—(1) Where the Commission requests the Minister to appoint a board of inquiry, the Minister shall appoint from the panel one or more persons to form the board of inquiry and the Minister shall communicate the names of the persons forming the board to the parties to the inquiry.

Members at hearing not to have taken part in investigation, etc.

(2) A member of the board hearing a complaint must not have taken part in any investigation or consideration of the subject-matter of the inquiry before the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the inquiry with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but the board may seek legal advice from an adviser independent of the parties and in such case the nature of the advice shall be made known to the parties in order that they may make submissions as to the law.

Hearing

38.—(1) The board of inquiry shall hold a hearing,

(a) to determine whether a right of the complainant under this Act has been infringed;

(b) to determine who infringed the right, and

(c) to decide upon an appropriate order under section 40,

and the hearing shall be commenced within thirty days after the date on which the members were appointed.

Parties

(2) The parties to a proceeding before a board of inquiry are,

(a) the Commission, which shall have the carriage of the complaint;

(b) the complainant;

(c) any person who the Commission alleges has infringed the right;

(d) any person appearing to the board of inquiry to have infringed the right;

- (e) where the complaint is of alleged conduct constituting harassment under subsection 2 (2) or subsection 4 (2) or of alleged conduct under section 6, any person who, in the opinion of the board, knew or was in possession of facts from which he or she ought reasonably to have known of the conduct and who had authority to penalize or prevent the conduct.

(3) A party may be added by the board of inquiry under clause (2) (d) or clause (2) (e) at any stage of the proceeding upon such terms as the board considers proper. Adding parties

(4) Where a board exercises its power under clause 12 (1) (b) of the *Statutory Powers Procedure Act* to issue a summons requiring the production in evidence of documents or things, it may, upon the production of the documents or things before it, adjourn the proceedings to permit the parties to examine the documents or things. Adjournment on production R.S.O. 1980, c. 484

(5) The board may, where it appears to be in the interests of justice, direct that the board and the parties and their counsel or representatives shall have a view of any place or thing, and may adjourn the proceedings for that purpose. Adjournment for view

39. The oral evidence taken before a board at a hearing shall be recorded, and copies of a transcript thereof shall be furnished upon request upon the same terms as in the Supreme Court. Recording of evidence

40. (1) Where the board of inquiry, after a hearing, finds that a right of the complainant under Part I has been infringed and that the infringement is a contravention of section 8 by a party to the proceeding, the board may, by order, Orders of boards of inquiry

- (a) direct the party to do anything that, in the opinion of the board, the party ought to do to achieve compliance with this Act, both in respect of the complaint and in respect of future practices; and
- (b) direct the party to make restitution, including monetary compensation, for loss arising out of the infringement, and, where the infringement has been engaged in wilfully or recklessly, monetary compensation may include an award, not exceeding \$10,000, for mental anguish.

(2) Where the board of inquiry at the conclusion of the hearing finds that a right of a person under Part 1 has been infringed by discrimination because of handicap, the board may then proceed to inquire whether, Idem

- (a) the person does not have access to premises, services, goods, facilities or accommodation of the party who is found to be a contravener, because of handicap; or
- (b) the premises, services, goods, facilities or accommodation of the party who is found to be a contravener lack amenities that are appropriate to persons because of the handicap,

and after making a finding thereon, the board may, unless the costs occasioned thereby would cause undue hardship and subject to the regulations, order that the party take such measures as will make such provision for access or amenities or as are set out in the order.

Idem

(3) In addition to the powers conferred by subsection (2), where the board of inquiry at the conclusion of the hearing under subsection (1) finds that a right of a person under Part I has been infringed by discrimination because of handicap, the board may then proceed to inquire and make a finding as to whether the equipment or essential duties attending the exercise of the right could be adapted to meet the needs of the person whose right is infringed and, after making a finding thereon, the board may, unless the costs occasioned thereby would cause undue hardship and subject to the regulations, order that the party take such measures to adapt the equipment or duties as will meet such needs and as are set out in the order.

Order to
prevent
harassment

(4) Where a board makes a finding under subsection (1) that a right is infringed on the ground of harassment under subsection 2 (2) or subsection 4 (2) or conduct under section 6, and the board finds that a person who is a party to the proceeding,

- (a) knew or was in possession of knowledge from which he ought to have known of the infringement; and
- (b) had the authority by reasonably available means to penalize or prevent the conduct and failed to use it,

the board shall remain seized of the matter and upon complaint of a continuation or repetition of the infringement of the right the Commission may investigate the complaint and, subject to subsection 35 (2), request the board to re-convene and if the board finds that a person who is a party to the proceeding,

- (c) knew or was in possession of knowledge from which he or she ought to have known of the repetition of infringement; and
- (d) had the authority by reasonably available means to penalize or prevent the continuation or repetition of the conduct and failed to use it,

the board may make an order requiring the person to take whatever sanctions or steps are reasonably available to prevent any further continuation or repetition of the infringement of the right.

(5) Where a board of inquiry for any reason is unable to exercise its powers under this section or section 38, the Commission may request the Minister to appoint a new board of inquiry in its place. Re-appointment of board

(6) Where, upon dismissing a complaint, the board of inquiry finds that, Costs

(a) the complaint was trivial, frivolous, vexatious or made in bad faith; or

(b) in the particular circumstances undue hardship was caused to the person complained against,

the board of inquiry may order the Commission to pay to the person complained against such costs as are fixed by the board.

(7) The board of inquiry shall make its finding and decision within thirty days after the conclusion of its hearing. Decision within 30 days

41.—(1) Any party to a proceeding before a board of inquiry may appeal from a decision or order of the board to the Divisional Court in accordance with the rules of court. Appeal from decision of board of inquiry

(2) Where notice of an appeal is served under this section, the board of inquiry shall forthwith file in the Divisional Court the record of the proceedings before it in which the decision or order appealed from was made and the record, together with a transcript of the oral evidence taken before the board if it is not part of the record of the board, shall constitute the record in the appeal. Record to be filed in court

(3) An appeal under this section may be made on questions of law or fact or both and the court may affirm or reverse the decision or order of the board of inquiry or direct the board to make any decision or order that the board is authorized to make under this Act and the court may substitute its opinion for that of the board. Powers of court

42. Where a settlement of a complaint is agreed to in writing, signed by the parties and approved by the Commission, the settlement is binding upon the parties, and a breach of the settlement is grounds for a complaint under section 31, and this Part applies to the complaint in the same manner as if the breach of the settlement were an infringement of a right under this Act. Settlements

Penalty

43.—(1) Every person who contravenes section 8, subsection 32 (11), or an order of a board of inquiry, is guilty of an offence and on conviction is liable to a fine of not more than \$25,000.

Consent to prosecution

(2) No prosecution for an offence under this Act shall be instituted except with the consent in writing of the Attorney General.

Acts of officers, etc.

44.—(1) For the purposes of this Act, except subsection 2 (2), subsection 4 (2), section 6 and subsection 43 (1), any act or thing done or omitted to be done in the course of his or her employment by an officer, official, employee or agent of a corporation, trade union, trade or occupational association, unincorporated association or employers' organization shall be deemed to be an act or thing done or omitted to be done by the corporation, trade union, trade or occupational association, unincorporated association or employers' organization.

Opinion re authority or acquiescence

(2) At the request of a corporation, trade union, trade or occupational association, unincorporated association or employers' organization, a board of inquiry in its decision shall make known whether or not, in its opinion, an act or thing done or omitted to be done by an officer, official, employee or agent was done or omitted to be done with or without the authority or acquiescence of the corporation, trade union, trade or occupational association, unincorporated association or employers' organization, and the opinion does not affect the application of subsection (1).

PART V

GENERAL

Interpretation

45. In this Act,

- (a) "Commission" means the Ontario Human Rights Commission;
- (b) "Minister" means the member of the Executive Council to whom the powers and duties of the Minister under this Act are assigned by the Lieutenant Governor in Council;
- (c) "person", in addition to the extended meaning given it by the *Interpretation Act*, includes an employment agency, an employers' organization, an unincorporated association, a trade or occupational association, a trade union, a partnership, a municipality and a board of police commissioners established under the *Police Act*.

46.—(1) This Act binds the Crown and every agency of the Crown. Act binds Crown

(2) Where a provision in an Act or regulation purports to require or authorize conduct that is a contravention of Part I, this Act applies and prevails unless the Act or regulation specifically provides that it is to apply notwithstanding this Act. Act has primacy over other Acts

(3) Subsection (2) does not apply to an Act or regulation heretofore enacted or made until two years after this Act comes into force. Application

47. The Lieutenant Governor in Council may make regulations, Regulations

(a) prescribing criteria or guidelines for boards of inquiry in the making of findings under subsections 40 (2) and (3);

(b) prescribing forms and notices and providing for their use.

48. The *Ontario Human Rights Code*, being chapter 340 of the Revised Statutes of Ontario, 1980, is repealed. Repeal

49. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commencement

50. The short title of this Act is the *Human Rights Code*, 1981. Short title

CHAPTER 54

An Act to amend the Highway Traffic Act

Assented to December 11th, 1981

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 189 (2) of the *Highway Traffic Act*, being chapter 198 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

s. 189 (2),
re-enacted

(2) Where in a designated municipality a justice convicts a person of a prescribed offence and the person, on the recommendation of the justice, agrees to attend a driver improvement program conducted by the Ministry, the justice may order the fine to be suspended in whole or in part on the condition that the person successfully complete the driver improvement program.

Driver
improve-
ment
program
2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment
3. The short title of this Act is the *Highway Traffic Amendment Act, 1981 (No. 2)*.

Short title

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CHAPTER 55

An Act to amend the Police Act

Assented to December 11th, 1981

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.**—(1) Subsection 41 (1) of the *Police Act*, being chapter 381 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor: s. 41 (1),
re-enacted
- (1) The commission known as the Ontario Police Commission is continued and shall consist of not fewer than three and not more than nine members who shall be appointed by the Lieutenant Governor in Council. Ontario
Police
Commission
- (2) Subsection 41 (4) of the said Act is repealed and the following substituted therefor: s. 41 (4),
re-enacted
- (4) Two members of the Commission constitute a quorum. Quorum
- 2.** This Act comes into force on the day it receives Royal Assent. Commence-
ment
- 3.** The short title of this Act is the *Police Amendment Act, 1981*. Short title

CHAPTER 56

An Act to amend the Milk Act

Assented to December 11th, 1981

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Paragraphs 37 and 38 of subsection 8 (1) of the *Milk Act*, being chapter 266 of the Revised Statutes of Ontario, 1980, are repealed and the following substituted therefor:

s. 8 (1),
pars. 37, 38,
re-enacted

37. authorizing any marketing board to conduct a pool or pools for the distribution of all moneys received from the sale of the regulated product and, after deducting all necessary and proper disbursements and expenses, to distribute the remainder of the moneys received from the sale in such manner that every producer receives a share of the remainder of the moneys received from the sale in relation to the amount, content and grade of the regulated product supplied by him and the amount and type of quota for the marketing of the regulated product held by him and the sales by the marketing board of the classes of the regulated product, and authorizing such marketing board to make an initial payment on delivery of the regulated product and subsequent payments until all the remainder of the moneys received from the sale is distributed to the producers;
- 37a. providing for the establishment and the manner of payment of price differentials for any grade of milk or cream, or any class thereof;
- 37b. providing for the establishment and the manner of payment of price differentials in relation to the content of milk or any class thereof;
38. providing for statements to be given by any marketing board to producers showing the amount, content and grade of the regulated product marketed, the price or prices paid and the particulars of the service charges, licence fees and levies imposed by the marketing board.

s. 20 (1),
pars. 36, 37,
repealed

2. Paragraphs 36 and 37 of subsection 20 (1) of the said Act are repealed.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. The short title of this Act is the *Milk Amendment Act, 1981 (No. 2)*.

CHAPTER 57

An Act to amend the Ministry of Consumer and Commercial Relations Act

Assented to December 11th, 1981

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The *Ministry of Consumer and Commercial Relations Act*, being chapter 274 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section:

s. 6a,
enacted

6a.—(1) Where, under this or any other Act, a power or duty is granted to or vested in the Minister, he may delegate in writing that power or duty to the Deputy Minister or to any officer or officers of the Ministry, subject to such restrictions, conditions and requirements as the Minister may set out in his delegation.

Delegation
of
Minister's
powers

(2) Where, under this or any other Act, a power or duty is granted to or vested in the Deputy Minister, he may delegate, in writing and with the concurrence of the Minister, that power or duty to any officer or officers of the Ministry, subject to such restrictions, conditions and requirements as the Minister may set out in his concurrence.

Delegation
of Deputy
Minister's
powers

2. This Act comes into force on the day it receives Royal Assent.
3. The short title of this Act is the *Ministry of Consumer and Commercial Relations Amendment Act, 1981*.

Commence-
ment

Short title

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CHAPTER 58

**An Act to amend the
Personal Property Security Act***Assented to December 11th, 1981*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 (1) of the *Personal Property Security Act*, being chapter 375 of the Revised Statutes of Ontario, 1980, is amended by striking out "or" at the end of clause (c), by adding "or" at the end of clause (d) and by adding thereto the following clause: s. 3 (1),
amended

(e) to the creation or assignment of an interest in real property, including a mortgage, charge or lease of real property, other than,

(i) a fixture, or

(ii) an assignment of a right to payment under a mortgage, charge or lease where the assignment does not convey or transfer the assignor's interest in the real property.

2. The said Act is amended by adding thereto the following section: s. 36a,
enacted

36a.—(1) A security interest in a right to payment under a lease of real property, to which this Act applies, is subordinate to the interest of a person who acquires for value the lessor's interest in the lease if the interest, or notice thereof, of the person is registered in the proper land registry office before the interest, or notice thereof, of the secured party is registered in the proper land registry office. Priority of
security
interests,
rental
payments

(2) A security interest in a right to payment under a mortgage or charge of real property, to which this Act applies, is subordinate to the interest of a person who acquires the mortgagee's or chargee's interest in the mortgage or charge if the interest of the person is registered in the proper land registry office before a notice of the security interest is registered in the proper land registry office. Idem,
mortgage
payments

Saving

3. Sections 1 and 2 do not apply so as to affect rights that have been determined by a judgment or order of any court given or made prior to the day this section comes into force.

s. 54 (1),
re-enacted

4. Subsection 54 (1) of the said Act is repealed and the following substituted therefor:

Fixtures,
mortgages,
charges

(1) A notice in the prescribed form may be registered in the proper land registry office, where,

- (a) the collateral is or includes fixtures or goods that may become fixtures or crops, or oil, gas or other minerals to be extracted, or timber to be cut; or
- (b) the security interest is a security interest in a right to payment under a mortgage or charge of real property to which this Act applies.

s. 70,
amended

- 5.—(1) Section 70 of the said Act is amended by adding thereto the following clause:

(ka) extending the time for registration of financing statements where, in the opinion of the Lieutenant Governor in Council, registration within the time prescribed by this Act is impracticable because of a general interruption in mail service.

s. 70 (2),
enacted

- (2) The said section 70 is further amended by adding thereto the following subsection:

Retrospective
regulation

(2) A regulation made under clause (1) (ka) may apply to the time for registration of financing statements that relate to security agreements that were entered into before the regulation comes into force and notwithstanding that the time for their registration has expired.

Extension
of time
R.S.O. 1980,
c. 375

6. Notwithstanding subsection 47 (3) of the *Personal Property Security Act*, the time for registration of a financing statement that relates to a security agreement entered into on or after the 19th day of June, 1981 and on or before the 10th day of August, 1981 is extended to the 9th day of September, 1981.

Commence-
ment

- 7.—(1) This Act, except sections 1, 2 and 6, comes into force on the day it receives Royal Assent.

Idem

- (2) Sections 1 and 2 shall be deemed to have come into force on the 1st day of April, 1976.

Idem

- (3) Section 6 shall be deemed to have come into force on the 19th day of June, 1981.

8. The short title of this Act is the *Personal Property Security Amendment Act, 1981 (No. 2)*. Short title

CHAPTER 59

**An Act to revise the
Motor Vehicle Fuel Tax Act***Assented to December 11th, 1981*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,Interpre-
tation

- (a) "bulk plant" means a storage facility that is capable of holding petroleum in storage for subsequent sale or delivery in bulk of such petroleum to wholesalers, retail dealers or purchasers but from which petroleum is not sold or delivered directly into the fuel tank of a motor vehicle;
- (b) "clear fuel" means fuel which contains no dye or less dye than the minimum quantity of dye prescribed;
- (c) "collector" means a person designated in writing by the Minister to colour and distribute coloured fuel and clear fuel and to collect and remit to the Treasurer the tax collectable and payable on sales of clear fuel in accordance with the provisions of this Act and the regulations;
- (d) "coloured fuel" means fuel which contains dye in an amount equal to or in excess of the amount prescribed for the purpose of this clause;
- (e) "colouring" and "colour" in respect of fuel mean the addition to fuel of dye in the proportion prescribed by a person so authorized by the Minister;
- (f) "dye" means chemical substances prescribed for the purpose of blending with fuel to make coloured fuel;
- (g) "dye-point" means a terminal designated by the Minister for the purpose of colouring fuel;

(h) "fuel" means any gas or liquid that may be used for the purpose of generating power by internal combustion, and includes any substance added thereto, but does not include,

(i) any product that is excluded from this Act by the regulations and to which subsection 4 (5) does not apply,

(ii) gasoline on which the tax imposed by the *Gasoline Tax Act* has been paid, or

(iii) aviation fuel on which the tax imposed by the *Gasoline Tax Act* has been paid and that is used to create power to propel an aircraft;

(i) "fuel tank" means that part of a motor vehicle in which fuel for generating power in the motor vehicle is kept;

(j) "importer" means any person, other than a collector, who receives in Ontario fuel from a person outside Ontario, or who brings into Ontario fuel for the purpose of resale in Ontario or for his own use or the use of others at his expense in Ontario;

(k) "interjurisdictional carrier" means a person who engages in the commercial transportation of goods or passengers and who operates for such purpose,

(i) one or more motor vehicles licensed or required to be licensed under the *Highway Traffic Act* and operating inside and outside Ontario,

(ii) one or more motor vessels operating under the *Canada Shipping Act*, or

(iii) railway equipment operated on rails in connection with and as part of a public transportation system;

(l) "Minister" means the Minister of Revenue;

(m) "motor vehicle" means a machine operated, propelled or driven otherwise than by muscular power;

(n) "prescribed" means prescribed by the regulations;

(o) "purchaser" means a person who acquires or receives fuel for his own use or consumption or for the use or consumption by others at his expense, or on behalf of,

R.S.O. 1980,
c. 186

R.S.O. 1980,
c. 198

R.S.C. 1970,
c. S-9

or as agent for, a principal who desires to acquire the fuel for use or consumption by him or other persons at his expense;

- (p) "registered consumer" means the holder of a valid fuel acquisition permit under this Act;
- (q) "regulations" means the regulations made under this Act;
- (r) "retail dealer" means a person who sells fuel to a purchaser;
- (s) "tax" includes all penalties and interest and includes dye costs assessed under section 13 that are or may be added to a tax under this Act;
- (t) "taxable price per litre" of fuel means the price per litre from time to time prescribed by the Minister as the taxable price per litre of fuel for such period of time as the Minister may prescribe, and in determining the taxable price per litre of fuel, the Minister shall use the median price obtained by him from such periodic sampling as he considers appropriate of the retail prices (excluding the tax imposed by this Act) of fuel in such part or parts of Ontario as he shall direct a sample to be taken, provided that no change in the taxable price per litre of fuel from time to time in effect shall come into force until at least two days after the filing of a regulation prescribing a different taxable price per litre of fuel;
- (u) "terminal" means a storage facility to which petroleum is conveyed from a refinery and which is capable of holding petroleum in storage for resale and receiving petroleum by pipeline or water craft;
- (v) "Treasurer" means the Treasurer of Ontario and Minister of Economics.

2.—(1) Every person desiring to be a registered consumer shall, by such form and in such manner as the Minister requires, apply for a fuel acquisition permit. Registered consumer

(2) Where the Minister is satisfied that the applicant for a fuel acquisition permit will be acquiring fuel principally to be consumed by the applicant in a manner prescribed for the purpose of this subsection, the Minister may issue a fuel acquisition permit to such applicant and the fuel acquisition permit may be made subject to such conditions and restrictions as the Minister consid- Issue of fuel acquisition permit by Minister

ers necessary to ensure that fuel received by the applicant through his use of the fuel acquisition permit will be dealt with by the applicant in accordance with this Act and the regulations.

Refusal to
issue,
suspension or
cancellation

(3) The Minister may refuse to issue a fuel acquisition permit to any applicant or may suspend or cancel any fuel acquisition permit if the applicant for the fuel acquisition permit or a registered consumer contravenes or has permitted the contravention of the provisions of this Act or the regulations or the conditions or restrictions upon which his certificate was issued or, in the case of an applicant for a fuel acquisition permit, fails to satisfy the Minister of the applicant's ability to perform the conditions proposed by the Minister to be attached to the issue of the fuel acquisition permit.

Hearing

(4) Where the Minister intends to refuse to issue a fuel acquisition permit or intends to suspend or cancel any fuel acquisition permit, the applicant or registered consumer, as the case may be, shall, subject to subsection (5) and before the refusal, cancellation or suspension, be afforded an opportunity, at a hearing before the Minister or some other person authorized by the Minister to hold the hearing, to show cause why the issue of a fuel acquisition permit should not be refused or why the fuel acquisition permit should not be suspended or cancelled, whichever is the case.

Suspension
forthwith

(5) Where a registered consumer fails to remit the tax that is payable by him under this Act at the time and in the manner required by this Act or the regulations, the Minister may, by notice in writing to the registered consumer and without a hearing, suspend forthwith the registered consumer's fuel acquisition permit, and the notice shall state the failure of the registered consumer for which his permit is suspended and shall fix a day, not more than fifteen days after the date of the suspension, for a hearing before the Minister or some person authorized by him to hold the hearing to determine whether the registered consumer's suspension should be rescinded or continued and upon what conditions the suspension may be rescinded or continued.

Service
of notice

(6) A notice of hearing under subsection (4) or (5) is properly served either by personal service or by registered mail sent to the last known address of the registered consumer or applicant, as the case may be.

Offence

(7) Every person who, being a registered consumer, contravenes this Act or the regulations or any condition or restriction contained in his fuel acquisition permit issued under this Act or the regulations is guilty of an offence and on conviction is liable to a fine of not less than the amount of tax, if any, that should have been paid or remitted by such person in compliance with

this Act or the regulations, plus an additional amount of not less than \$500 and not more than \$5,000.

3.—(1) Every interjurisdictional carrier required to hold a registration certificate under this section shall, by such form and in such manner as the Minister requires, apply for a registration certificate and the Minister may issue a registration certificate to the applicant subject to such conditions and restrictions as the Minister considers necessary to ensure compliance with this Act and the regulations.

Interjurisdictional carriers must register

(2) The Minister may refuse to issue a registration certificate to any applicant or may suspend or cancel any registration certificate if the applicant or the holder of a registration certificate contravenes or has permitted the contravention of the provisions of this Act or the regulations or the conditions or restrictions upon his registration certificate or, in the case of an applicant for a registration certificate, fails to satisfy the Minister of the applicant's ability to perform the conditions proposed by the Minister to be attached to the issue of the registration certificate.

Refusal to issue, suspension or cancellation

(3) Where the Minister intends to refuse to issue a registration certificate or intends to suspend or cancel a registration certificate, the applicant or holder of a registration certificate, as the case may be, shall, subject to subsection (4) and before the refusal, cancellation or suspension, be afforded an opportunity, at a hearing before the Minister or some person authorized by the Minister to hold the hearing, to show cause why the issue of a registration certificate should not be refused or why the registration certificate should not be suspended or cancelled, whichever is the case.

Hearing

(4) Where the holder of a registration certificate fails to remit the tax that is payable by him under this Act at the time and in the manner required by this Act or the regulations, the Minister may, by notice in writing to the holder of the registration certificate and without a hearing, suspend forthwith the registration certificate, and the notice shall state the failure of the holder of the registration certificate for which his certificate is suspended and shall fix a day, not more than fifteen days after the date of the suspension, for a hearing before the Minister or some person authorized by him to hold the hearing to determine whether the suspension of the registration certificate should be rescinded or continued and upon what conditions the suspension may be rescinded or continued.

Suspension forthwith

(5) A notice of hearing under subsection (3) or (4) is properly served either by personal service or by registered mail sent to the last known address of the holder of the registration certificate or applicant, as the case may be.

Service of notice

Offence

(6) Every person who,

- (a) operates as an interjurisdictional carrier in Ontario without holding a registration certificate required under this Act; or
- (b) being the holder of a registration certificate, contravenes this Act or the regulations or any condition or restriction contained in his registration certificate issued under this Act or the regulations,

is guilty of an offence and on conviction is liable to a fine of not less than the amount of tax, if any, that should have been paid or remitted by such person in compliance with this Act or the regulations, plus an additional amount of not less than \$200 and not more than \$2,000.

Tax

4.—(1) Every collector, importer, registered consumer and purchaser shall pay to the Treasurer a tax at the rate of 27 per cent of the taxable price per litre on each litre of clear fuel received or used in Ontario by him to generate power in a motor vehicle other than railway equipment, and shall, on each litre of clear fuel received or used in Ontario by him to propel railway equipment on rails where such equipment is operated in connection with and as a part of a public transportation system, pay to the Treasurer a tax at the rate of 8.37 per cent of the taxable price per litre of such fuel.

Idem

(2) The tax imposed by this Act shall not be increased or reduced by reason of the fact that the price or consideration paid or given by a collector, importer, registered consumer or purchaser for clear fuel is different from the taxable price per litre of that fuel.

Payment
of tax

(3) Subject to subsection (5), the tax imposed by subsection (1) shall be paid at the time the clear fuel is supplied to the purchaser, or where the clear fuel is acquired by the purchaser outside Ontario, and imported into Ontario in the fuel tank of a motor vehicle at the time such fuel is used in Ontario, and the tax imposed by subsection (1) shall be paid to the Treasurer in accordance with section 11.

Security
for tax

(4) Where a purchaser uses in Ontario clear fuel that was acquired outside Ontario, such purchaser shall, upon the demand of the Minister or of someone authorized by the Minister to make such a demand, furnish to the Minister security in cash or in such other form as is satisfactory to the Minister that is sufficient for the payment of all tax imposed by this Act on the use by such purchaser in Ontario of clear fuel on which the tax imposed by this Act has not been paid, and in the event that the

tax for which the security is given is not paid, the Minister may realize upon the security to the extent necessary to pay such tax.

(5) Where any person places any product that is excluded from this Act by the regulations in a fuel tank of a motor vehicle that is licensed or required to be licensed under the *Highway Traffic Act*, the product thereupon becomes taxable as clear fuel under this Act and is no longer excluded from this Act, and the person so doing shall forthwith pay the tax imposed by this Act on such fuel to the Treasurer.

Payment
of tax

R.S.O. 1980,
c. 198

(6) No collector or retail dealer shall place any coloured fuel in the fuel tank of a motor vehicle licensed or required to be licensed under the *Highway Traffic Act*.

Prohibited
use of
coloured
fuel

(7) No person who is the operator or who is in charge of a motor vehicle licensed or required to be licensed under the *Highway Traffic Act* shall place or cause to be placed in the fuel tank of the motor vehicle any coloured fuel.

Idem

(8) Every person who knowingly fails to pay the tax imposed by subsection (1), (2) or (5) when required by this Act is guilty of an offence and on conviction is liable to a fine of not less than the amount of the tax that he failed to pay and of an additional amount that is not less than \$100 and not more than \$5,000.

Offence

(9) Every person who fails to comply with subsection (3) is guilty of an offence and on conviction is liable to a fine of not less than \$100 and not more than \$500.

Idem

(10) Where any person selling fuel receives any payment made as or in lieu of tax payable under this Act, such payment shall be dealt with and accounted for as tax under this Act, and any person who fails to deal with and account for such payment in accordance with this Act and the regulations is liable to the same penalties and fines, and is guilty of the same offences, as would apply if the payment were the tax payable under this Act, and the Minister may collect and receive such payment by the same remedies and procedures as are provided by this Act and the regulations for the collection and enforcement of the tax payable under this Act and, for the purposes of the assessment and collection of such payment, the person receiving such payment as or in lieu of the tax payable under this Act is deemed to be a collector.

Amounts in
lieu of tax

(11) Coloured fuel may be used for any purpose prescribed by the Minister for the use of coloured fuel and for all purposes other than the generating of power in a motor vehicle or the propulsion of railway equipment operated on rails in connection with, and as a part of, a public transportation system.

Use of
coloured
fuel

Detention
and
examination
of motor
vehicle

5.—(1) For the purpose of ascertaining,

- (a) whether tax imposed by this Act has been paid on clear fuel contained in the fuel tank of a motor vehicle or whether the fuel tank contains clear or coloured fuel;
- (b) whether any tax imposed by this Act is payable on such fuel; or
- (c) whether the operator of a motor vehicle is an interjurisdictional carrier holding a valid registration certificate or is required to hold such a certificate,

any person thereunto authorized by the Minister may stop and detain any motor vehicle in Ontario and may examine such motor vehicle, fuel in any fuel tank thereof and take samples of such fuel, and may demand the production forthwith of any valid registration certificate issued under this Act to the operator.

Offence

(2) Every operator of a motor vehicle that may be stopped and detained under subsection (1) who refuses to permit the detention and examination of such motor vehicle that is under his control, or who refuses to allow samples of fuel to be taken, or fails to produce forthwith a valid registration certificate issued to him under this Act, is guilty of an offence and on conviction is liable to a fine of not less than \$100 and not more than \$500 for each offence.

Idem

(3) Every operator of a motor vehicle that is found to contain coloured fuel in any fuel tank thereof, contrary to the provisions of this Act and the regulations, is guilty of an offence and on conviction is liable to a fine of not less than \$100 and not more than \$500 for each offence.

Burden
of proof

(4) In any proceeding under subsection (3) it is not necessary to prove that coloured fuel was acquired and used in contravention of this Act, but only to prove that the fuel tank of a motor vehicle contained coloured fuel on the day of the examination under this section.

Subsequent
offence

(5) The fact that the coloured fuel that was found in a fuel tank of a motor vehicle is the same coloured fuel that was found therein on another occasion that constituted an offence under subsection (3) is not a defence in a prosecution for a subsequent offence under that subsection if a period of more than twenty-four hours has elapsed since taking a sample of fuel from that motor vehicle.

Invoice

6.—(1) Every vendor shall inform every person to whom he sells fuel of the price of the fuel and shall deliver to him an invoice showing,

- (a) the name of the vendor and of the purchaser;
- (b) the selling price of the fuel;
- (c) the amount of tax charged;
- (d) the quantity of clear fuel sold;
- (e) the quantity of coloured fuel sold; and
- (f) the date of sale.

(2) Upon the request of the Minister, every purchaser of fuel and every person in control of a motor vehicle that contains fuel shall furnish to the Minister proof that tax has been paid on such fuel or that no tax was payable under this Act on such fuel.

Responsi-
bility of
purchaser,
etc.

7. The Minister may require any collector or registered consumer or importer to furnish security on such terms and conditions and in such amount as the Minister considers appropriate.

Security

8.—(1) The Minister may designate any person who is an operator or owner of a terminal to be a collector under this Act and in the case of each collector so designated, may specify the number and location of dye-points the collector may establish and operate.

Designation
of
collector

(2) Subject to subsections (3) and (4), every collector shall, at the times and in the manner prescribed, collect from any wholesaler, retail dealer or purchaser to whom the collector sells clear fuel, the tax collectable and payable under this Act, and for that purpose every collector is an agent of the Minister for the collection of the tax imposed by this Act and for the remittance thereof to the Treasurer.

Collector
to collect
tax

(3) Unless the tax is collected at the time of sale, no collector shall sell clear fuel to any person who is not a registered consumer holding a fuel acquisition permit that allows him to purchase fuel without paying tax to a collector.

Tax on
clear fuel

(4) Notwithstanding subsection (2) no collector shall collect the tax imposed by this Act on the sale by him of clear fuel to a collector who is not a purchaser in respect of such clear fuel.

Sales to
collectors

(5) No individual designated a collector under subsection (1) shall by reason of such designation be made ineligible as a member of the Assembly.

Members of
Assembly

(6) Every person who collects any tax under this Act and every person who, being a collector or importer, is liable for tax

Tax moneys
are trust
moneys

as a purchaser of clear fuel is deemed to hold such tax in trust for Her Majesty the Queen in right of Ontario and shall remit to the Treasurer all such tax at such time and in such manner as is required by this Act and the regulations.

Dye held
in trust

(7) Every collector who possesses dye in accordance with the requirements of this Act and the regulations is deemed to hold the dye in trust for Her Majesty the Queen in right of Ontario for the purpose of using the dye in accordance with this Act and the regulations and is accountable for all such dye at the time and in the manner provided by the Act and the regulations.

Use of dye

(8) Every collector shall, when colouring fuel, use as a dye only such dye as shall be provided from time to time by the Minister and shall use only the quantity of dye that is required to colour fuel as prescribed.

Arrangements
for
collection

(9) For the purpose of ensuring and facilitating the collection of the tax under this Act, the Minister may enter into such arrangements or agreements with a collector as the Minister considers appropriate.

Offence

(10) Every collector who refuses or neglects to collect the tax in accordance with this Act is guilty of an offence and on conviction is liable to a fine of not less than the amount of the tax that he refused or neglected to collect and \$500, and not more than the amount of the tax that he refused or neglected to collect and \$10,000.

Collector
to colour
fuel

(11) Every collector shall colour fuel that is required to be coloured in strict accordance with such requirements as are prescribed by the Minister for the colouring of fuel, the equipment to be used therefor, and the methods and procedures to be followed and observed in the colouring of fuel and every collector who refuses or neglects to dye fuel in accordance with the requirements prescribed is guilty of an offence and on conviction is liable to a fine of not less than \$1,000 and not more than \$10,000.

Offence

(12) Every collector who sells as coloured fuel, fuel to which dye has not been added in accordance with the regulations is guilty of an offence and on conviction is liable to a fine of not more than \$5,000.

Idem

(13) Every employee or agent of a collector who permits or authorizes or is a party to or acquiesces in supplying clear fuel to a purchaser without collecting the tax imposed by this Act is guilty of an offence and on conviction is liable to a fine equal to the amount of tax that should have been collected and \$50.

(14) No retail dealer in Ontario shall sell or deliver to a purchaser any clear fuel without collecting from the purchaser the tax imposed by this Act, and for the purpose of collecting such tax, every retail dealer is an agent of the Minister.

Retail dealers to collect tax from purchasers

(15) Every retail dealer who is not also a collector shall pay over the tax collected by him to a collector at the time and in the manner required by this Act and the regulations.

Retail dealers to pay tax to collectors

9.—(1) The Minister may suspend or cancel the designation of any collector where the collector contravenes any of the provisions of this Act or the regulations.

Designation suspended or cancelled

(2) Subject to subsection (3) and before the cancellation or suspension of the designation, the collector shall be afforded an opportunity at a hearing before the Minister or some person authorized by the Minister to hold the hearing within ten days of the notice of suspension or cancellation to show cause why his designation as a collector should not be suspended or cancelled, as the case may be.

Hearing

(3) Notwithstanding subsection (2), the Minister may suspend or cancel forthwith and without hearing, the authority granted to a collector for the operation of a dye-point where the collector contravenes any of the provisions of this Act and the regulations which apply to the operation of such dye-point and shall confirm in writing the suspension or cancellation of the authority as imposed and the collector shall be given an opportunity to appear before the Minister or some person authorized by the Minister to hold a hearing within ten days of the date of suspension or cancellation to show cause why the authority to operate the dye-point should be reinstated.

Suspension forthwith

(4) Notice of a hearing to be held under subsection (2) is properly served if served either personally or by registered mail sent to the last known address in Ontario of the collector.

Service of notice

(5) Notice of a suspension or cancellation under subsection (3) is properly served if served either personally or by registered mail sent to the address of the dye-point the operation of which is suspended or cancelled.

Idem

10.—(1) Every collector, importer, interjurisdictional carrier and registered consumer shall,

Returns

(a) without notice or demand and at the time and in the manner prescribed in the regulations; or

(b) on or before the day designated in the demand of the Minister served on the collector, importer, interjuris-

ditional carrier or registered consumer by hand or by registered letter,

deliver to the Minister such return as he requires for the purpose of carrying out this Act.

Verification
of returns

(2) Every return shall be verified by the certificate of the collector, importer, interjurisdictional carrier or registered consumer and if the collector, importer, interjurisdictional carrier or registered consumer is not an individual, of its president or its resident manager or representative in Ontario, certifying that the financial and other statements of information included therein or attached thereto are in agreement with the books of the collector, importer, interjurisdictional carrier or registered consumer and exhibit truly, correctly and completely all information for the period covered by the return.

Penalty for
failure to
deliver
return

(3) Every person who fails to make a return as required by subsection (1) shall pay a penalty of not less than \$10 and not more than 5 per cent of the tax payable by him and 5 per cent of the tax collectable by him.

Offence

(4) Every person who fails to complete the information required in the return to be delivered to the Minister under subsection (1) is guilty of an offence and on conviction is liable to a fine of \$50.

Time for
making
returns

(5) The Minister may enlarge the time for making any return before or after the time for making it.

Declarations
and
affidavits

(6) Declarations and affidavits in connection with returns under this Act may be taken before any person having authority to administer an oath, or before any person specially authorized for that purpose by the Lieutenant Governor in Council, but any person so specially authorized shall not charge a fee therefor.

Transmission
of tax

11.—(1) Every collector, registered consumer or interjurisdictional carrier shall transmit with the return required by section 10 the amount of the tax payable by him or payable and collectable by him, as the case may be.

Deficiency

(2) Subject to subsection (3), where a collector, importer, registered consumer or interjurisdictional carrier transmits less than the amount of the tax payable by him or payable and collectable by him, as the case may be, he shall pay to the Treasurer interest at such rate as is prescribed upon the deficiency calculated from the date of default until the date of transmission to the Treasurer.

Where refund
of tax
claimed

(3) Where, in a return delivered by a collector, registered consumer or interjurisdictional carrier in accordance with this Act

and the regulations, it is shown that tax under this Act is payable by the collector, registered consumer or interjurisdictional carrier with respect to his use of fuel, and, where, at the time such return is delivered to the Minister, the collector, registered consumer or interjurisdictional carrier also applies for a refund under section 21 of some or all of such tax on fuel so used by him, he may, notwithstanding subsection (1), retain the amount a refund of which he claims until the refund for which he has applied is, in whole or in part, approved or refused by the Minister and notification thereof is sent to him, and upon receiving a statement of disallowance for all or part of the refund claimed, the collector, registered consumer or interjurisdictional carrier shall, with his next return or at such earlier time as is specified in the statement of disallowance, whether or not an objection or appeal from the statement of disallowance is made or taken, transmit to the Treasurer any amount a refund of which has been refused together with interest thereon at the rate prescribed for the period during which such amount has been retained by the collector, registered consumer or interjurisdictional carrier, and upon his being notified of the approval of the refund of any amount a refund of which has been claimed, the collector, registered consumer or interjurisdictional carrier may, subject to subsection (4), retain for his own use such amounts so approved.

(4) Any amount refunded under this Act in excess of the amount to which the person receiving the refund was entitled shall be deemed to be tax under this Act owing to the Crown, and the provisions of this Act relating to collection of tax apply with necessary modifications to the said amount.

Recovery
of excess
refunds

(5) Every importer who sells clear fuel in Ontario shall collect and remit to the Treasurer, at the time and in the manner prescribed, the tax imposed by the Act in respect of such clear fuel, and for the purpose of collecting such tax, every importer is an agent of the Minister.

Importers
to collect
and remit tax

(6) Every importer shall remit to the Treasurer, at the time and in the manner prescribed, the tax payable by him in respect of all clear fuel imported by him into Ontario for his own use or the use of others at his expense.

Idem

12.—(1) If the Minister, in order for him to assess the tax collectable or payable by any person under this Act or for any other purpose, desires any information or additional information, or a return from any person who has not made a return or a complete or sufficient return, he may, by registered letter, demand from such person or from the president, manager, secretary, or any director, agent or representative of any person, such information, additional information or return, and the per-

Minister
may demand
information

son upon whom the demand is made shall deliver to the Minister the information, additional information or return within the time specified in the registered letter.

Production
of letters,
accounts,
etc.

(2) The Minister may, by registered letter, require the production under oath or otherwise by any collector, importer, registered consumer, interjurisdictional carrier or purchaser, or by the president, manager, secretary, or any director, agent or representative of any of them, or by any person, partnership or trust who has been, is or may become indebted to such collector, importer, registered consumer, interjurisdictional carrier or purchaser, or by any partner, agent or official of any such person, partnership or trust, of any letters, accounts, invoices, statements or other documents.

Records to
be kept

(3) If a person fails or refuses to keep adequate books of account for the purpose of ascertaining the amount of tax payable by him or payable and collectable by him, as the case may be, the Minister may require such person to keep such records and accounts as the Minister specifies for such length of time as the Minister requires.

Penalty

(4) For every default in complying with subsection (1), (2) or (3), the person in default is guilty of an offence and on conviction is liable to a fine of \$50 for each day during which the default continues.

Notice of
assessment

13.—(1) After examination of the return of a person from whom a return was demanded, the Minister may send a notice of assessment to such person altering the amount of tax shown to be collectable by the person or to be payable by the person in his return, and any additional tax found to be collectable or payable, as the case may be, over the amount shown in the return shall be assessed.

Idem

(2) The Minister may at any time he considers reasonable assess any tax collectable or payable by any person under this Act and shall send a notice of assessment requiring the person to transmit the tax assessed forthwith to the Treasurer.

Assessment
on
inspection

(3) Where it appears from an inspection, audit or examination of the books of account, records or documents of any collector, importer, registered consumer, interjurisdictional carrier or purchaser that this Act or the regulations have not been complied with, the person making the inspection, audit or examination shall calculate the tax collected or payable in such manner and form and by such procedure as the Minister considers adequate and expedient, and the Minister shall assess the amount of tax collected or payable.

(4) The Minister may at any time he considers reasonable assess against a collector the costs of any dye provided in accordance with this Act or the regulations for which the collector cannot account when required to do so and for any dye which is misused by reason of its mixture with fuel in quantities other than the quantities prescribed.

Assessment
for dye
costs

(5) Every person who fails to collect tax that he is responsible to collect under this Act or the regulations shall, when assessed therefor, pay a penalty equal to the amount of tax that he failed to collect.

Penalty for
non-collection
of tax

(6) The Minister may assess under this section any person who has received a refund under this Act or the regulations and who is not entitled to such refund, and such assessment shall be for the amount of the refund to which the person is not entitled and shall be accompanied by a brief statement in writing of the grounds upon which the person assessed is claimed not to be entitled to the amount claimed in the assessment.

Erroneous
refunds

(7) Where a person has, in accordance with this Act and the regulations, applied for or taken a refund under this Act or the regulations, and his claim is in whole or in part refused, the Minister shall cause to be served on such person a statement of disallowance in such form as the Minister shall prescribe, and the statement shall specify the amount of the disallowance and the reasons therefor.

Disallowance
of refund

(8) A statement under subsection (7) or a notice of assessment made under this section may be served by sending such statement or notice by prepaid mail to the person whose claim is refused or against whom an assessment is made under this section, as the case may be, at his last known address, or by serving such notice on him personally.

Notice of
assessment

(9) Any person assessed shall, within one month of the date of service of an assessment made against him, transmit the tax claimed in the assessment whether or not an objection or appeal from the assessment is outstanding, and if such person fails to transmit the tax at the time required, he shall pay to the Treasurer interest at the rate prescribed upon the tax from the due date to the date of transmission to the Treasurer.

Payment
of tax
assessed

(10) No assessment of tax or penalty provided for in this section shall be made with respect to tax that should have been collected more than three years immediately preceding the day of the assessment, except that, where the Minister establishes that the person has made a misrepresentation that is attributable to neglect, carelessness or wilful default, or has committed any fraud, in making a return or in supplying any information under

Limitation
on
assessment

this Act or the regulations or in omitting to disclose any information, then the Minister may, where he considers it expedient, impose the penalty or assess for tax in respect of tax that should have been paid or collected more than three years prior to the date of assessment.

Assessment
conclusive

(11) Subject to being vacated or varied on a objection or appeal, a statement or assessment under this section shall be deemed to be valid and binding and the amount assessed in any such assessment shall, for the purposes of the collection or recovery thereof, be deemed to be tax owing under this Act and be conclusively established as a debt owing to Her Majesty the Queen in right of Ontario.

Notice of
objection

14.—(1) Where a person objects to an assessment or statement or disallowance under section 13, he may, within ninety days from the service of the assessment or statement of disallowance serve on the Minister a notice of objection in duplicate in the prescribed form setting out the reasons for the objection and all relevant facts.

Service of
notice

(2) A notice of objection under this section shall be served by being sent by registered mail addressed to the Minister.

Exception

(3) The Minister may accept a notice of objection under this section notwithstanding that it was not served in duplicate or in the manner required by subsection (2).

Reconsidera-
tion

(4) Upon receipt of the notice of objection, the Minister shall with all due dispatch reconsider the assessment or statement of disallowance objected to and vacate, confirm or vary the assessment or statement of disallowance or reassess or serve a fresh statement of disallowance and he shall thereupon notify the person making the objection of his action by letter, either sent by registered mail to, or personally served on, the person.

Appeal

(5) When the Minister has given the notification required by subsection (4), the person who has served a notice of objection under this section may appeal to the Supreme Court to have the assessment or statement of disallowance so objected to vacated or varied, but no appeal under this section shall be instituted after the expiration of ninety days from the day notice has been mailed to or served on such person under subsection (4).

Appeal
how
instituted

(6) An appeal to the Supreme Court shall be instituted by serving on the Minister a notice of appeal in duplicate in the prescribed form and by filing a copy thereof with the Registrar of the Supreme Court or the local registrar of the Supreme Court for the county or district in which the appellant resides or has his place of business.

(7) A notice of appeal shall be served on the Minister by being ^{Service} sent by registered mail addressed to the Minister or by personal service.

(8) The appellant shall set out in the notice of appeal a state- ^{Statement of} ment of the allegations of fact and the statutory provisions and ^{allegations} reasons that he intends to submit in support of his appeal, and an address in Ontario where the appellant may be served.

(9) The Minister shall with all due dispatch serve on the ^{Reply to} appellant and file in the Supreme Court a reply to the notice of ^{notice of} appeal admitting or denying the facts alleged and containing a ^{appeal} statement of such further allegations of fact and of such statutory provisions and reasons as he intends to rely on, and where the Minister fails to serve the reply within 180 days from the date of service upon him of the notice under subsection (6), the appellant may, upon twenty-one days' notice to the Minister, apply to a judge of the Supreme Court for an order requiring the reply to be served within such time as the judge shall order, and the judge may, if he considers it proper in the circumstances, also order that, upon failure of the Minister to serve the reply in the time specified in the order, the assessment or notice of disallowance with respect to which the appeal is made shall be vacated and any tax pursuant to such assessment shall be repaid to the appellant or the refund disallowed be paid to the appellant, but nothing in this section revives an appeal that is void or affects a statement of disallowance or assessment that has become valid and binding.

(10) Upon the filing of the material referred to in subsections ^{Matter} (5) and (9), with the Registrar of the Supreme Court or the local ^{deemed} registrar of the Supreme Court, the matter shall be deemed to be ^{action} an action in the court and the practice and the procedure of the court, including the right of appeal and the practice and procedure relating to appeals, apply to every matter that is deemed an action under this subsection, and every judgment and order given or made in every such action may be enforced in the same manner and by the like process as a judgment or order given or made in an action commenced in the court.

(11) Proceedings under subsections (5), (9), (10), (12) and (13) ^{Proceedings} may be held *in camera* on request made to the court by the ^{in camera} appellant or by the Minister.

(12) The Court may dispose of the appeal by such order as it ^{Disposal} considers just and the Minister shall, subject to the final decision ^{of appeal} of any court to which the order is appealed, vacate or vary, where necessary, the assessment or statement of disallowance so as to carry out the final order of the court.

Court may
order refund

(13) The court may, in delivering judgment disposing of an appeal, order payment of a refund of tax by the appellant or the Treasurer, as the case may be, and may make such order as to costs as it considers proper.

Irregularities

(14) An assessment shall not be vacated or varied on adjudication by reason only of any irregularity, informality, omission or error on the part of any person in the observation of any directory provision of this Act.

Extension

(15) The time within which a notice of objection under subsection (1) or a notice of appeal under subsection (5) is to be served may be extended by the Minister if application for extension is made prior to the expiration of the time of service of that notice of objection or notice of appeal.

Certificate
to prove
unpaid tax

15.—(1) The Minister or Deputy Minister of Revenue shall determine the amount of tax referred to in subsection 2 (7) or in subsection 3 (6) or in subsection 4 (8) or (10) or in subsection 8 (10) or (13) or in section 27 from such information as is available to him and shall issue a certificate as to the amount, and such certificate that is signed or that purports to be signed by the Minister or Deputy Minister of Revenue and that states the amount of tax that should have been collected or paid is *prima facie* evidence of the amount of tax that should have been collected or paid and of the authority of the person giving or making the certificate without any proof of appointment or signature.

Compliance
of Minister,
etc., to be
proved by
affidavit

(2) For the purpose of any proceedings taken under this Act, the facts necessary to establish compliance on the part of the Minister, as well as the failure of any person to comply with the requirements of this Act, are sufficiently proved in any court by affidavit of the Minister or any officer of the Ministry of Revenue.

Analysis
of fuel

(3) The Minister may authorize any person he designates to analyze fuel under this Act and the Minister may prescribe the form of the certificate of analysis to be issued by that person.

Idem

(4) In any proceeding instituted under this Act, the certificate of analysis of fuel made under subsection (3) and signed by a person authorized by subsection (3) to make the analysis is *prima facie* evidence of the facts stated therein and of the authority of the person signing the certificate to make the analysis, without other proof of his appointment or signature.

When
information
to be laid

(5) Any information in respect of an offence against this Act shall be laid within six years of the time when the matter of the information arose.

(6) Neither the application of any provision of this section or the enforcement of any penalty hereunder suspends or affects any remedy for the recovery of any tax payable under this Act. Remedies to be independent

16.—(1) Every person who makes a false statement in any return or in any information made or furnished to the Minister under this Act is guilty of an offence and on conviction is liable to a fine of not more than \$1,000. False statements

(2) Any person who, being an officer, director or agent of a corporation, directed, authorized, assented to, acquiesced in or participated in the commission of any act that is an offence under this Act and for which the corporation would be liable for prosecution, is guilty of an offence, and on conviction is liable to the punishment provided for the offence whether or not the corporation has been prosecuted or convicted. Officers, etc., of corporations

17.—(1) Upon default of transmission to the Treasurer by any person of any tax that is collected and any tax or penalty that is payable by such person under this Act, Recovery of tax

(a) the Minister may bring an action for recovery thereof in any court of competent jurisdiction and every such action shall be brought and executed in and by the name of the Minister or his name of office and may be continued by his successor in office as if no change had occurred, and shall be tried without a jury; or

(b) the Minister may issue a warrant and direct it to the sheriff of any county or district in which any property of the person is located or situate for the amount of the tax, interest and penalty or any of them owing by the person together with interest thereon from the date of issue of the warrant and the costs and expenses of the sheriff, and such warrant has the same force and effect as a writ of execution issued out of the Supreme Court.

(2) When the Minister has knowledge or suspects that a person is or is about to become indebted or liable to make any payment to a person liable to make a payment or remittance under this Act, he may, by registered letter or by a letter served personally, require the first-named person to pay the moneys otherwise payable to the second-named person in whole or in part to the Treasurer on account of the liability under this Act. Garnishment

(3) The receipt of the Treasurer for moneys paid as required under this section is a good and sufficient discharge of the original liability to the extent of the payment. Idem

Liability
of debtor

(4) Every person who has discharged any liability to a person liable to make a payment or remittance under this Act without complying with the requirements under this section is liable to pay to the Treasurer an amount equal to the liability discharged or the amount he was required under this section to pay to the Treasurer, whichever is the lesser.

Service of
garnishee

(5) Where a person who is or is about to become indebted or liable to make a payment to a person liable to make a payment or remittance under this Act, carries on business under a name and style other than his own name, the registered or other letter under subsection (2) may be addressed to the name and style under which he carries on business and in the case of personal service, shall be deemed to have been validly served if it has been left with an adult person employed at the place of business of the addressee.

Idem

(6) Where persons who are or are about to become indebted or liable to make a payment to a person liable to make a payment or remittance under this Act, carry on business in partnership, the registered or other letter under subsection (2) may be addressed to the partnership name and, in the case of personal service, shall be deemed to have been validly served if it has been served on one of the partners or left with an adult person employed at the place of business of the partnership.

Garnishment
of wages
R.S.O. 1980,
c. 526

(7) Subject to the *Wages Act*, where the Minister has under this section required an employer to pay to the Treasurer on account of an employee's liability under this Act moneys otherwise payable by the employer to the employee as remuneration, the requirement is applicable to all future payments by the employer to the employee in respect of remuneration until the liability under this Act is satisfied and operates to require payments to the Treasurer out of each payment of remuneration of such amount as may be stipulated by the Minister in the registered letter or letter served personally.

Failure
to remit

(8) Where any person without reasonable excuse fails to remit to the Treasurer the moneys as required under this section, the Minister may apply before a judge of the Supreme Court for an order directing such person to remit the moneys which he has failed to remit.

Investi-
gations

18.—(1) Any person thereunto authorized by the Minister for any purpose related to the administration or enforcement of this Act or the regulations may at all reasonable times enter and examine any motor vehicle powered by fuel or enter into any premises where any business is carried on or any property is kept or anything is done in connection with any business or where any

books or records are or should be kept under this Act or the regulations, and may,

- (a) audit or examine the books, records, accounts, vouchers, letters, telegrams or other documents that relate or may relate either to the information that is or should be in the books or records or to the amount of tax that is or should be collected, payable or remitted under this Act or the regulations;
- (b) examine any fuel or motor vehicle or the property described by an inventory or any property, process or matter, an examination of which may, in his opinion, assist him in determining the accuracy of any inventory or in ascertaining the information that is or should be in the books or records or the amount of any tax payable under this Act or that should be remitted or collected under this Act or the regulations;
- (c) require a purchaser, retailer, wholesaler, importer, collector, registered consumer or interjurisdictional carrier or an operator of a motor vehicle liable to collect or pay or considered possibly liable to collect or pay tax under this Act or if such person is a partnership or corporation, require a partner or the president, manager, secretary or any director, agent or representative thereof or any other person on the premises of such person or in the motor vehicle of such operator to give him all reasonable assistance with his audit or examination and to answer all questions relating to the audit or examination either orally or, if he so requires, in writing, on oath or by statutory declaration, and for that purpose require such person to attend at the premises with him;
- (d) if during the course of an audit or examination it appears to him that there has been a contravention of this Act or the regulations, seize and take away any of the records, books, accounts, vouchers, letters, telegrams and other documents and retain them until they are produced in any court proceedings;
- (e) take samples of any fuel to ascertain whether any fuel tank or storage tank contains coloured fuel or clear fuel for the purpose of determining the amount of any tax payable under this Act or, in the case of a storage tank purported by the custodian of the fuel to contain coloured fuel, to ascertain if the fuel contains dye in the proportion prescribed for colouring fuel; and

- (f) detain any motor vehicle suspected, after an examination of the fuel in the fuel tank of the motor vehicle, of containing fuel other than clear fuel contrary to the provisions of this Act and the regulations and to question the person in charge of the motor vehicle and examine invoices and any other documents in his possession.

Idem

(2) The Minister may, for any purpose related to the administration or enforcement of this Act or the regulations, by registered letter or by a demand served personally, require from any purchaser, retailer, wholesaler, importer, collector, registered consumer or interjurisdictional carrier or from the owner or operator of a motor vehicle, or if any of them is a partnership or a corporation, from a partner or the president, manager, secretary or any director, agent or representative thereof,

- (a) any information or a return as required under this Act or the regulations; or
- (b) production or production on oath of any books, letters, accounts, invoices, statements, financial or otherwise, or other documents,

within such reasonable time as is stipulated therein.

Idem

(3) The Minister may for any purpose related to the administration or enforcement of this Act or the regulations, with the approval of a judge of the Supreme Court, which approval the judge is hereby empowered to give upon *ex parte* application, authorize in writing any officer of the Ministry of Revenue, together with such members of the Ontario Provincial Police Force or other police officers as he calls upon to assist him and such other persons as are named therein to enter and search, if necessary by force, any building, receptacle or place, or any motor vehicle powered by fuel, for documents, books, records, papers or things that may afford evidence as to the contravention of any provision of this Act or the regulations and to seize and take away any such documents, books, records, papers or things and retain them until they are produced in any court proceedings.

Production
of evidence
to prove tax
payable by
another
person

(4) The Minister may, by registered letter or by a demand that is served personally, require the production, under oath or otherwise, by any person, partnership or trust, or by his or its agent or officer, of any letters, accounts, invoices, statements, financial or otherwise, books or other documents in the possession or in the control of such person, syndicate or trust, or of his or its agent or officer for the purpose of determining what tax, if any, is collectable, payable or collected under this Act by any

person and production thereof shall be made within such reasonable time as is stipulated in such registered letter or demand.

(5) Where a book, record or other document has been seized, ^{Copies} examined or produced under this section, the person by whom it is seized or examined or to whom it is produced, or any officer of the Ministry of Revenue, may make, or cause to be made, one or more copies thereof, and a document purporting to be certified by the Minister or a person thereunto authorized by the Minister to be a copy made pursuant to this section is admissible in evidence and has the same probative force as the original document would have had if it had been proved in the ordinary way.

(6) No person shall hinder or interfere with any person doing ^{Interference} anything that he is authorized by this section to do, or prevent or attempt to prevent any person doing any such thing.

(7) Notwithstanding any other law to the contrary, every person shall, unless he is unable to do so, do everything that he is ^{Compliance} required by this section to do.

(8) Every person who contravenes this section or who fails to provide any information or make any return requested under this section is guilty of an offence and on conviction is liable to a fine ^{Offence} of \$50 for each day during which the offence continues.

(9) The Crown or any servant thereof or any person acting in the administration or enforcement of this Act is not liable for any damage to a screen, filter or other device installed in, on or about the intake of a fuel tank or a storage tank and which impedes access to the tank by equipment required by and used by a person authorized by the Minister under this Act and the regulations to take samples of fuel where such screen, filter or other device is not removed or not removable by the person in charge of the tank or motor vehicle at the time a sample of fuel is to be taken or for any compensation to any person for any fuel taken as a sample for the purpose of this Act or the regulations. ^{Liability for damage to screens and filters}

19.—(1) Every person carrying fuel in a motor vehicle in a tank other than the fuel tank of the motor vehicle, and the operator of every such motor vehicle, shall, when requested by the Minister or any person authorized by the Minister, provide any or all of the following information, ^{Information on bulk shipments of fuel}

- (a) the name and address of any person from whom the fuel being carried was obtained, and the name and address of any person to whom the fuel so obtained was delivered or is to be delivered;

- (b) the quantity of fuel delivered or to be delivered to any person;
- (c) the use or intended use, if known, to be made of any fuel delivered or to be delivered from such motor vehicle,

and where no written evidence substantiating such information is available at the time that the request is made, the person to whom the request is made shall orally supply the information and may be required to certify in writing any of such oral statements.

Detention
of motor
vehicle

(2) Where the information required to be furnished by subsection (1) is not given, or where the information that is furnished is false, the motor vehicle may be detained by the Minister until the information is provided or until the true information is provided, and during any such detention, the Crown shall not be liable for any damages to the motor vehicle, its contents, cargo or freight, or to its owner or operator or otherwise that may occur or be alleged to occur by reason of the detention of the motor vehicle pending the furnishing of the information required by subsection (1) or the furnishing of accurate information as required by subsection (1).

Idem

(3) Any person authorized by the Minister may,

- (a) stop and detain any motor vehicle capable of transporting fuel and any container capable of holding fuel as cargo;
- (b) examine and take samples of the fuel being transported by any motor vehicle or in the fuel tank of the motor vehicle;
- (c) examine documents in the custody of the person in charge of the motor vehicle related to liability for tax on the purchase of fuel, the ownership of the motor vehicle and the identity of the person in charge of the motor vehicle;
- (d) prohibit the sale or delivery as coloured fuel of any fuel carried, if the fuel contains less dye in proportion to fuel than is prescribed for colouring fuel.

Offence

(4) Every person who,

- (a) neglects or omits to comply with stop signs set up by a person authorized to examine any motor vehicle or to obey the signals or orders of such person;

- (b) refuses to permit the examination of any motor vehicle;
or
- (c) refuses or wilfully neglects to answer any question put to him by a person authorized to examine any motor vehicle,

is guilty of an offence and upon conviction is liable to a fine of not less than \$200 and not more than \$1,000.

20. Where, owing to special circumstances, it is considered inequitable that the whole amount of interest payable under this Act be paid, the Minister may exempt a person from payment of the whole or any part of the interest. Relief from interest

21.—(1) The Minister may refund the full tax imposed by this Act where clear fuel on which the tax was paid, or, coloured fuel on which the tax was paid in error, was, in the opinion of the Minister, used exclusively, Refund

- (a) in the business of farming or commercial fishing; or
- (b) in any business, industry or institution for any business, industrial or institutional purpose that is not prescribed by the Minister to be excluded from the application of this section,

but no refund of tax may be made with respect to fuel used to operate a motor vehicle licensed or required to be licensed under the *Highway Traffic Act*, or used in any motor vehicle operated or intended to be operated principally for the pleasure or recreation of its owner or operator. R.S.O. 1980.
c. 198

(2) A refund under this Act shall not be made unless an application therefor, accompanied by properly receipted invoices, is received by the Minister within, Application for refund

- (a) two years of the date when the tax a refund of which is sought was paid if that tax was paid prior to the 1st day of September, 1980;
- (b) three years of the date when the tax a refund of which is sought was paid if that tax was paid on or after the 1st day of September, 1980,

and there shall be furnished to the Minister such evidence as he requires to satisfy him of the entitlement of the applicant to the refund claimed.

Over-
payments

(3) Where a person has transmitted to the Treasurer an amount in excess of the tax collectable by him under this Act and of the taxes, interest and penalties payable by him under this Act, such excess amount shall be refunded to him upon his application therefor made within,

- (a) two years of the date of his payment of such excess amount if that payment was made prior to the 1st day of September, 1980; or
- (b) three years of the date of his payment of such excess amount if that payment was made on or after the 1st day of September, 1980,

and where any overpayment of tax by a person is the result of an assessment or reassessment or notice of disallowance under this Act or of the final decision of a court in proceedings commenced under section 14, such overpayment shall, notwithstanding subsection (2), be refunded without an application therefor.

Communica-
tion of
information

22.—(1) Except as authorized by this section, no person employed by the Government of Ontario shall,

- (a) knowingly communicate or knowingly allow to be communicated to any person any information obtained by or on behalf of the Minister for the purpose of this Act; or
- (b) knowingly allow any person to inspect or have access to any record or thing obtained by or on behalf of the Minister for the purposes of this Act.

Officials not
compellable
as witnesses

(2) Notwithstanding any other Act, but subject to subsection (3), no person employed by the Government of Ontario shall be required, in connection with any legal proceedings,

- (a) to give evidence relating to any information obtained by or on behalf of the Minister for the purposes of this Act; or
- (b) to produce any record or thing obtained by or on behalf of the Minister for the purposes of this Act.

Exceptions
for legal
proceedings

(3) Subsections (1) and (2) do not apply in respect of,

- (a) criminal proceedings under any Act of the Parliament of Canada; or
- (b) proceedings in respect of the trial of any person for an offence under an Act of the Legislature; or

- (c) proceedings relating to the administration or enforcement of this Act or the collection or assessment of tax under this Act.

(4) A person employed by the Government of Ontario may, in the course of his duties in connection with the administration or enforcement of this Act, Exceptions
for internal
adminis-
tration

- (a) communicate or allow to be communicated to an official or authorized person employed by the Government of Ontario in the administration and enforcement of any laws relating to the raising of revenues for provincial purposes any information obtained by or on behalf of the Minister for the purposes of this Act; and
- (b) allow any official or authorized person employed by the Government of Ontario in the administration or enforcement of any laws relating to the raising of revenues for provincial purposes to inspect or have access to any record or thing obtained by or on behalf of the Minister for the purposes of this Act.

(5) Notwithstanding anything in this Act, the Minister may permit a copy of any record or thing obtained by him or on his behalf for the purposes of this Act to be given to, Exception
for objection
or appeal

- (a) the person from whom the record or thing was obtained; or
- (b) any person,
 - (i) for the purpose of any objection or appeal that has been or may be taken by that person under this Act arising out of an assessment of tax under this Act in connection with which the record or thing was obtained, or
 - (ii) by whom any amount payable under this Act is payable or has been paid; or

- (c) the legal representative of any person mentioned in clause (a) or (b) or the agent of any such person authorized in writing in that behalf.

(6) Notwithstanding anything in this Act, the Minister may permit information or a copy of any record or thing obtained by him or on his behalf for the purposes of this Act to be given to, Exception
for tax
enforcement
in other
jurisdic-
tions

- (a) a minister of the Government of Canada or any officer or employee employed under a minister of the Government of Canada for the purpose of administering or

enforcing an Act of the Parliament of Canada imposing any tax or duties; or

- (b) a minister of the government of any province or territory of Canada or officer or employee employed under that minister, for the purpose of administering or enforcing an Act or ordinance of the Legislature of that province or territory imposing any tax or duty,

if the minister of the Government of Canada or the minister of the government of any province or territory, as the case may be, is permitted to give to the Minister information or copies of any record or thing obtained by or on behalf of the minister of the Government of Canada, or the minister of the government of that other province or territory, as the case may be, in the administration or enforcement of that Act for the purposes of the administration or enforcement of this Act.

Exception for
statistical
information

(7) Notwithstanding anything in this Act, the Minister may communicate or allow to be communicated to an official of the Ministry of Treasury and Economics, solely for the purpose of evaluating and formulating tax policy, information obtained under this Act.

Offence

(8) Every person who contravenes any provision of this section is guilty of an offence and on conviction is liable to a fine of not more than \$200.

Inter-
provincial
settlement
of competing
tax claims

23. For the purpose of simplifying compliance with this Act and the administration and collection of the tax imposed by this Act, and in order to provide for reciprocal arrangements to settle competing claims for tax on the acquisition and use of fuel by persons carrying on business in more than one province or territory of Canada, the Lieutenant Governor in Council may, upon the recommendation of the Minister and on such terms and conditions as are considered necessary and expedient, enter into an agreement with any province or territory of Canada that tax paid to one jurisdiction on the acquisition there of fuel that is transferred to the other jurisdiction and that becomes liable to tax in such other jurisdiction under this Act or any similar legislation in force in such other jurisdiction may be paid by one jurisdiction to the other in reduction of the liability to such tax arising in the jurisdiction receiving such payment and in lieu of refunding such tax to the person who paid it and who became liable for similar tax in such other jurisdiction.

Remedies for
recovery of
tax and
penalties

24. The use of a remedy does not bar or affect any other remedy, and the remedies provided by this Act for the recovery and enforcement of payment or collection, or both, of any tax or penalty, or both, imposed by this Act are in addition to other

remedies existing by law, and no action or other proceeding in any way prejudices, limits or affects any lien, charge or priority existing under this Act or otherwise.

25.—(1) Every collector shall,

Responsi-
bilities of
collector

- (a) ensure that any dye furnished by the Minister to colour fuel which is in the collector's possession is kept in a sealed container in a secure place and is used for no other purpose than the colouring of fuel in the manner prescribed; and
- (b) immediately report to the Minister any breakdown or malfunction of the equipment or any failure to follow any of the methods and procedures prescribed by the Minister to be followed and observed in the colouring of fuel or in the storage, transportation or delivery of coloured fuel,

and to ensure compliance with this subsection, any person thereunto authorized by the Minister may shut down and test all equipment used for the dyeing, storing, transportation or delivery of coloured fuel.

(2) Any person who owns or operates any equipment used to colour, store, transport or deliver coloured fuel that does not bear the identifying labels or seals prescribed by the Minister is guilty of an offence and upon conviction is liable to a fine of not more than \$20,000.

Offence

(3) All dye furnished by the Minister to a collector for the purpose of colouring fuel remains the property of Her Majesty the Queen in right of Ontario until it is mixed with fuel by the collector.

Dye is
property
of Crown

26. Any person who,

Offence

- (a) destroys or removes or attempts to destroy or remove, in any manner, the dye in any coloured fuel;
- (b) mixes or combines coloured fuel with any other type or grade of fuel;
- (c) removes, breaks or alters a seal or identifying label affixed to any tank, drum or machine in accordance with this Act or the regulations without the prior permission of the Minister; or
- (d) stocks coloured fuel on premises where clear fuel is sold to purchasers unless the coloured fuel is contained in a

separate tank or cistern and the pump delivering the fuel from that separate tank or cistern is clearly marked to indicate that coloured fuel is being delivered,

is guilty of an offence and is liable upon conviction to a fine of not less than \$200 and not more than \$5,000 for each offence.

Offence

27. Any person who,

R.S.O. 1980,
c. 198

(a) delivers coloured fuel into the fuel tank of a motor vehicle licensed under the *Highway Traffic Act*;

(b) sells coloured fuel knowing that it will be used for a purpose that would render it taxable under this Act,

is guilty of an offence and upon conviction is liable to a fine equal to the tax payable with respect to the fuel so sold or delivered plus a fine of not less than \$100 and not more than \$2,000.

Offence

28. Any person who contravenes any provision of this Act or the regulations, for which contravention no penalty is otherwise provided, is guilty of an offence and is liable upon conviction to a fine of not less than \$50 and not more than \$1,000.

Transition

29.—(1) Where, on the day this Act comes into force, any person has in his possession clear fuel that is to be used by him for the purposes for which coloured fuel may be used under this Act or the regulations or in a manner that, in the opinion of the Minister, will not render the use of clear fuel liable to tax, any officer of the Ministry of Revenue may colour such fuel so held.

Idem
R.S.O. 1980,
c. 300

(2) Where a person who was a registrant under the *Motor Vehicle Fuel Tax Act* before this Act came into force has in his possession on the day this Act comes into force clear fuel with respect to tax on which he was, under the *Motor Vehicle Fuel Tax Act* required to account to the Minister, the provisions of the *Motor Vehicle Fuel Tax Act* continue to apply to his obligations to account for tax and provide returns to the Minister until the 1st day of December, 1982 and no longer.

Hand
dyeing

(3) Where the owner or operator of facilities for the storage and sale of substantial quantities of fuel establishes to the satisfaction of the Minister that, on the coming into force of this Act, such owner or operator,

(a) will not be able to provide separate facilities for the storage of clear and coloured fuel;

(b) is in the business of selling both clear and coloured fuel; and

- (c) is making such efforts as the Minister considers reasonable to establish expeditiously separate facilities for the storage and sale of clear and coloured fuel,

the Minister may, for such length of time as he considers reasonable,

- (d) authorize such owner or operator to acquire clear fuel that will be used as coloured fuel;
- (e) designate such owner or operator a collector; and
- (f) authorize such owner or operator to colour, in such manner as the Minister directs, fuel delivered by such owner or operator into any tank (other than a fuel tank) belonging to another,

and the Minister may require the furnishing of adequate security from, impose such conditions on, and enter into such arrangements with, such owner or operator as the Minister considers necessary and desirable to ensure compliance with this Act, the payment and collection of tax and the proper colouring and disposition of fuel acquired by such owner or operator, and if such owner or operator fails to carry out such arrangement or conditions, or to provide security required from him, the authorizations and designation given and made under this subsection are thereupon revoked and of no further force or effect.

30.—(1) The Lieutenant Governor in Council may make regulations, Regulations
by L.G. in C.

- (a) excluding products from this Act;
- (b) exempting any class of persons from the payment of the tax imposed under this Act;
- (c) exempting from a part or all of the tax imposed by this Act fuel that will be used by specified persons or in a specified manner or in a specified type of machinery or class of industry, and relieving collectors from their obligation of collecting a part or all of the tax on fuel so used;
- (d) providing for the furnishing to the Minister by persons of information relating to the sale or delivery by them of fuel that is exempt from the tax imposed by this Act;
- (e) prescribing rates of interest payable under this Act;

- (f) providing for the calculation and payment of interest on amounts paid in excess of the tax imposed by this Act, and prescribing the rate of such interest;
- (g) providing for the refund in special circumstances of the whole or any part of the tax imposed by this Act, and prescribing the terms and conditions under which such refund may be made;
- (h) authorizing or requiring the Deputy Minister of Revenue or any officer of the Ministry of Revenue to exercise any power or perform any duty conferred or imposed by this Act;
- (i) prescribing a system of compensation to reimburse collectors for a part or all of their costs incurred in colouring fuel, designating classes of collectors and fixing the rate or rates of compensation to be paid to each class per litre of fuel coloured, and providing for a maximum amount of compensation to collectors and for the method by which such compensation may be deducted from the tax to be remitted in accordance with this Act;
- (j) defining any word or expression used in this Act that has not already been expressly defined in this Act;
- (k) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Regulations
by Minister

(2) The Minister may make regulations,

- (a) prescribing any form that is required by this Act or the regulations or that, in his opinion, will assist in the administration of this Act, and prescribing how and by whom any form shall be completed and what information it shall contain;
- (b) prescribing the taxable price per litre of fuel to be in effect from time to time and the period of time for which such price shall be in effect;
- (c) fixing to the nearest tenth of a cent the tax per litre of fuel to be paid under this Act as a result of the prescribing from time to time of a taxable price per litre in accordance with clause (b);
- (d) providing for the refund of any tax or any portion thereof paid under this Act to any purchaser or class of purchasers and prescribing the records and material to be furnished upon application for a refund;

- (e) prescribing purposes for which fuel is used that are excluded from the application of section 21;
- (f) prescribing additional information to be contained in any fuel acquisition permit or registration certificate issued under this Act, and attaching additional conditions to the use of any such permit or certificate;
- (g) prescribing records to be kept by persons, information to be shown and a return to be delivered by a person, and prescribing times or periods of time, in lieu of those mentioned in section 10, and which, or with respect to which, a return shall be delivered by any person or class of persons;
- (h) prescribing, for the purpose of subsection 2 (2) any manner of disposing of or consuming fuel;
- (i) prescribing the conditions and restrictions affecting registered consumers and interjurisdictional carriers and the method of paying the tax imposed by this Act to be followed by all registered consumers and interjurisdictional carriers;
- (j) requiring persons who refine, import and sell fuel, including fuel for the heating of homes and buildings, to become collectors under this Act for the purpose of colouring and selling fuel for tax exempt usage and selling clear fuel for taxable use, accounting for, collecting or facilitating the administration of the tax imposed by this Act;
- (k) prescribing the method of collecting and paying the tax imposed by this Act to be followed by any collector, importer, registered consumer or interjurisdictional carrier;
- (l) prescribing who may colour fuel, the location of dye-points where a collector may colour fuel and the process a collector shall use to colour and dispense coloured fuel;
- (m) prescribing standards and requirements for equipment to be used in colouring fuel;
- (n) prescribing the type and amount of dye in proportion to fuel to be used to colour fuel and the conditions under which fuel may be coloured using a manual process;

- (o) prescribing the responsibilities of collectors for the receipt, safe custody, use and accounting for dye and to allow seals as provided by the Minister, to be affixed as deemed appropriate by a person authorized by the Minister for this purpose, to dye injector equipment;
- (p) prescribing conditions under which an importer shall colour fuel;
- (q) prescribing anything permitted or required by the Act to be prescribed.

Retroactivity

(3) A regulation is, if it so provides, effective with reference to a period before it was filed and not earlier than the day this Act comes into force.

**Grants for
fuel storage
tanks**

31.—(1) The Lieutenant Governor in Council may make regulations establishing a program to extend to small businesses or enterprises that are independent of major distributors and refiners of fuel and to farmer's co-operatives relief from the cost of construction or acquisition of tanks for the storage or transportation of fuel and other facilities required, as a result of the colouring of fuel under this Act and the regulations, to maintain business at the level of the 19th day of May, 1981, and, without limiting the generality of the foregoing, may prescribe,

- (a) the classes of persons, businesses or undertakings who may apply to receive relief under the program and to whom relief under this section may be provided;
- (b) the structures, facilities and expenditures with respect to which relief may be provided;
- (c) the form and method of application for relief under this section and the information and documentation required to be filed by the applicant in support of the application;
- (d) the requirements, terms and conditions for eligibility under the program and provision for any bond, lien, deposit, undertaking or other security that those requirements, terms and conditions will be met,

but nothing in this section authorizes the Lieutenant Governor in Council to provide relief under the program in excess of \$65,000 for any single installation, acquisition or required modification or to provide relief where an application for relief is made after the 31st day of March, 1985.

(2) The applicant for relief under subsection (1) must obtain approval of the Minister prior to the commitment of any funds for the construction of the structure or facility with respect to which a grant is claimed. Time of application

(3) Until the Legislature appropriates funds to meet payments that may be made under this section, such payments may be made from the Consolidated Revenue Fund. Payments from the Consolidated Revenue Fund

(4) A regulation under this section may be effective from a time prior to the coming into force of this Act, but not earlier than the day this Act receives Royal Assent. Retro-activity

32. The *Motor Vehicle Fuel Tax Act*, being chapter 300 of the Revised Statutes of Ontario, 1980, as amended by the Statutes of Ontario, 1981, chapter 12, is repealed. Repeal

33. This Act comes into force on the 1st day of September, 1982. Commencement

34. The short title of this Act is the *Fuel Tax Act, 1981*. Short title

CHAPTER 60

An Act respecting certain International Bridges

Assented to December 11th, 1981

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Notwithstanding any general or special Act, the *Assessment Act* applies to the real property vested in or controlled by the Blue Water Bridge Authority and situate within the Village of Point Edward but such real property is not subject to taxation and the Blue Water Bridge Authority is not subject to assessment for business assessment under section 7 of the *Assessment Act* in respect of its occupation or use of the real property. R.S.O. 1980, c. 31, application to certain bridge

(2) Notwithstanding any general or special Act, the *Assessment Act* applies to the real property vested in or controlled by the Niagara Falls Bridge Commission and situate within the City of Niagara Falls and the Town of Niagara-on-the-Lake but such real property is not subject to taxation and the Niagara Falls Bridge Commission is not subject to assessment for business assessment under section 7 of the *Assessment Act* in respect of its occupation or use of the real property. Idem

2.—(1) The Blue Water Bridge Authority shall pay to the Village of Point Edward in the year 1981 and in each subsequent year the amounts as determined under Part I of the Schedule for the particular year. Payments to Village of Point Edward

(2) The Niagara Falls Bridge Commission shall pay to the City of Niagara Falls and the Town of Niagara-on-the-Lake in the year 1982 and in each subsequent year the amounts as determined under Parts II and III, respectively, of the Schedule for the particular year. Payments to City of Niagara and Town of Niagara-on-the-Lake

(3) The Minister of Municipal Affairs and Housing shall pay to the Village of Point Edward in the years 1981 and 1982 and to the City of Niagara Falls and the Town of Niagara-on-the-Lake in the years 1982 and 1983 the amounts as determined under Parts IV, V and VI, respectively, of the Schedule for the particular year. Payments by Minister

Collection of
payments

3. The sums of money referred to in Parts I to III of the Schedule to the Act may be added to the collector's roll of taxes when it is prepared for the year in which the sums are payable and upon being so added such sums are deemed to be municipal taxes due on the real property in respect of which they are payable and the provisions of the *Municipal Act* or the *Municipal Affairs Act*, as the case may be, as to the collection and recovery of taxes including the addition of percentage charges and interest for non-payment of taxes, and the proceedings that may be taken in default thereof, apply.

R.S.O. 1980,
cc. 302, 303Allocation of
payments

4.—(1) A portion of the amount payable to a local municipality in any year under this Act, but not including an amount in respect of local improvement rates, shall be allocated to the county or corporation of the Regional Municipality, as the case may be, within which the local municipality is situate, and such portion shall be in the same proportion to the amount as is the rate levied by the local municipality in that year in respect of its net county levy or net regional levy, as the case may be, to the sum of the rates levied by the local municipality in that year in respect of its net lower tier levy and its net county levy or net regional levy, as the case may be.

Interpretation

(2) In subsection (1), "rate" means the rate levied on the assessment for real property used as the basis for computing business assessment.

Apportion-
ment

5.—(1) The assessment of the real property mentioned in subsection 1 (1) shall be deemed to be commercial assessment upon which taxes were levied for all purposes other than school purposes for the purposes of section 365 of the *Municipal Act*.

Idem

(2) The assessment of the real property mentioned in subsection 1 (2) shall be deemed to be rateable property for the purposes of subsection 128 (3) of the *Regional Municipality of Niagara Act*.

R.S.O. 1980,
c. 438

Idem

(3) Except as provided in subsections (1) and (2), the assessment of the real property mentioned in section 1 shall not be included when determining the equalized assessment or rateable property of a local municipality for purposes of apportioning the requisition or levy of any body.

Repeals

6. The following are repealed:

1. Sections 2 and 3 of *The Rainbow Bridge Act, 1941*, being chapter 48.
2. *The Lewiston-Queenston Bridge Act, 1967*, being chapter 46.

3. *The Whirlpool Rapids Bridge Act, 1967*, being chapter 105.

4. *The Village of Point Edward Act, 1979*, being chapter 72.

7.—(1) This Act, except subsections 1 (2) and 5 (2) and paragraphs 1 to 3 of section 6, shall be deemed to have come into force on the 1st day of January, 1981. Commence-
ment

(2) Subsections 1 (2) and 5 (2) and paragraphs 1 to 3 of section 6 come into force on the 1st day of January, 1982. Idem

8. The short title of this Act is the *International Bridges Municipal Payments Act, 1981*. Short title

SCHEDULE

In this Schedule,

- (a) "assessment" when used or applied in respect of real property situate within a municipality in respect of any year means the assessment for that real property as shown on the assessment roll used for taxation purposes by the municipality in that year;
- (b) "commercial assessment" means the assessment for real property that is used as the basis for determining business assessment;
- (c) "yearly tax equivalent amount" when used in respect of any year in connection with real property situate within a local municipality means the amount that would be produced by applying to the assessment for that real property the rates levied by the local municipality in that year in respect of its net lower tier levy and its net county levy or net regional levy, as the case may be, upon the assessment of real property in the municipality used as the basis for computing business assessment.

PART I

Year	Amounts Payable by the Blue Water Bridge Authority to the Village of Point Edward
1981	<p>A. One-third of the yearly tax equivalent amount for 1981 in respect of the real property, except for the structure known as the Blue Water Bridge, situate within the Village of Point Edward and vested in or controlled by the Authority</p> <p style="text-align: center;">plus</p> <p>B. Local improvement rates for 1981 in respect of the real property mentioned in paragraph A</p> <p style="text-align: center;">plus</p> <p>C. \$11,000 in respect of the structure known as the Blue Water Bridge.</p>

- 1982
- A. Two-thirds of the yearly tax equivalent amount for 1982 in respect of the real property, except for the structure known as the Blue Water Bridge, situate within the Village of Point Edward and vested in or controlled by the Authority
 - plus
 - B. Local improvement rates for 1982 in respect of the real property mentioned in paragraph A
 - plus
 - C. \$22,000 in respect of the structure known as the Blue Water Bridge.
- 1983
- A. The yearly tax equivalent amount for 1983 in respect of the real property, except for the structure known as the Blue Water Bridge, situate within the Village of Point Edward and vested in or controlled by the Authority
 - plus
 - B. Local improvement rates for 1983 in respect of the real property mentioned in paragraph A
 - plus
 - C. \$33,000 in respect of the structure known as the Blue Water Bridge.
- 1984 and each subsequent year
- A. The yearly tax equivalent amount for the particular year in respect of the real property, except for the structure known as the Blue Water Bridge, situate within the Village of Point Edward and vested in or controlled by the Authority
 - plus
 - B. Local improvement rates for that year in respect of the real property mentioned in paragraph A
 - plus
 - C. In respect of the structure known as the Blue Water Bridge, \$33,000 multiplied by the result obtained when the sum of the rates levied by the Village in that year on the commercial assessment in respect of the net lower tier levy and the net county levy is divided by the sum of the rates levied by the Village in 1983 on the commercial assessment in respect of the net lower tier levy and the net county levy.

PART II

Year —	Amounts Payable by the Niagara Falls Bridge Commission to the City of Niagara Falls
1982	<p>A. One-third of the yearly tax equivalent amount for 1982 in respect of the real property, except for the structures known as the Whirlpool Rapids Bridge and the Rainbow Bridge, situate within the City of Niagara Falls and vested in or controlled by the Commission</p> <p style="text-align: center;">plus</p> <p>B. Local improvement rates for 1982 in respect of the real property mentioned in paragraph A</p> <p style="text-align: center;">plus</p> <p>C. \$22,000 in respect of the structures known as the Whirlpool Rapids Bridge and the Rainbow Bridge.</p>
1983	<p>A. Two-thirds of the yearly tax equivalent amount for 1983 in respect of the real property, except for the structures known as the Whirlpool Rapids Bridge and the Rainbow Bridge, situate within the City of Niagara Falls and vested in or controlled by the Commission</p> <p style="text-align: center;">plus</p> <p>B. Local improvement rates for 1983 in respect of the real property mentioned in paragraph A</p> <p style="text-align: center;">plus</p> <p>C. \$44,000 in respect of the structures known as the Whirlpool Rapids Bridge and the Rainbow Bridge.</p>
1984	<p>A. The yearly tax equivalent amount for 1984 in respect of the real property, except for the structures known as the Whirlpool Rapids Bridge and the Rainbow Bridge, situate within the City of Niagara Falls and vested in or controlled by the Commission</p> <p style="text-align: center;">plus</p> <p>B. Local improvement rates for 1984 in respect of the real property mentioned in paragraph A</p> <p style="text-align: center;">plus</p> <p>C. \$66,000 in respect of the structures known as the Whirlpool Rapids Bridge and the Rainbow Bridge.</p>
1985 and each subsequent year	<p>A. The yearly tax equivalent amount for the particular year in respect of the real property, except for the structures known as the Whirlpool Rapids Bridge and the Rainbow Bridge, situate within the City of Niagara Falls and vested in or controlled by the Commission</p> <p style="text-align: center;">plus</p>

- B. Local improvement rates for that year in respect of the real property mentioned in paragraph A

plus

- C. In respect of the structures known as the Whirlpool Rapids Bridge and the Rainbow Bridge, \$66,000 multiplied by the result obtained when the sum of the rates levied by the City in that year on the commercial assessment in respect of the net lower tier levy and the net regional levy is divided by the sum of the rates levied by the City in 1984 on the commercial assessment in respect of the net lower tier levy and the net regional levy.

PART III

Year	Amounts Payable by the Niagara Falls Bridge Commission to the Town of Niagara-on-the-Lake
------	---

- | | |
|------|---|
| 1982 | <p>A. One-third of the yearly tax equivalent amount for 1982 in respect of the real property, except for the structure known as the Queenston-Lewiston Bridge, situate within the Town of Niagara-on-the-Lake and vested in or controlled by the Commission</p> |
|------|---|

plus

- B. Local improvement rates for 1982 in respect of the real property mentioned in paragraph A

plus

- C. \$11,000 in respect of the structure known as the Queenston-Lewiston Bridge.

- | | |
|------|--|
| 1983 | <p>A. Two-thirds of the yearly tax equivalent amount for 1983 in respect of the real property, except for the structure known as the Queenston-Lewiston Bridge, situate within the Town of Niagara-on-the-Lake and vested in or controlled by the Commission</p> |
|------|--|

plus

- B. Local improvement rates for 1983 in respect of the real property mentioned in paragraph A

plus

- C. \$22,000 in respect of the structure known as the Queenston-Lewiston Bridge.

- | | |
|------|--|
| 1984 | <p>A. The yearly tax equivalent amount for 1984 in respect of the real property, except for the structure known as the Queenston-Lewiston Bridge, situate within the Town of Niagara-on-the-Lake and vested in or controlled by the Commission</p> |
|------|--|

plus

- B. Local improvement rates for 1984 in respect of the real property mentioned in paragraph A

plus

- C. \$33,000 in respect of the structure known as the Queenston-Lewiston Bridge.

1985 and each
subsequent
year

- A. The yearly tax equivalent amount for the particular year in respect of the real property, except for the structure known as the Queenston-Lewiston Bridge, situate within the Town of Niagara-on-the-Lake and vested in or controlled by the Commission

plus

- B. Local improvement rates for that year in respect of the real property mentioned in paragraph A

plus

- C. In respect of the structure known as the Queenston-Lewiston Bridge, \$33,000 multiplied by the result obtained when the sum of the rates levied by the Town in that year on the commercial assessment in respect of the net lower tier levy and the net regional levy is divided by the sum of the rates levied by the Town in 1984 on the commercial assessment in respect of the net lower tier levy and the net regional levy.

PART IV

Year

Amounts Payable by the Minister of Municipal Affairs and Housing to the Village of Point Edward

1981

- A. Two-thirds of the yearly tax equivalent amount mentioned in paragraph A of Part I of this Schedule

plus

- B. \$22,000.

1982

- A. One-third of the yearly tax equivalent amount mentioned in paragraph A of Part I of this Schedule

plus

- B. \$11,000.

PART V

Year

Amounts Payable by the Minister of Municipal Affairs and Housing to the City of Niagara Falls

1982

- A. Two-thirds of the yearly tax equivalent amount mentioned in paragraph A of Part II of this Schedule

plus

- B. \$44,000.

1983

- A. One-third of the yearly tax equivalent amount mentioned in paragraph A of Part II of this Schedule

plus

- B. \$22,000.

PART VI

Year	Amounts Payable by the Minister of Municipal Affairs and Housing to the Town of Niagara-on-the-Lake
—	_____

1982	A. Two-thirds of the yearly tax equivalent amount mentioned in paragraph A of Part III of this Schedule
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plus

B. \$22,000.

1983	A. One-third of the yearly tax equivalent amount mentioned in paragraph A of Part III of this Schedule
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plus

B. \$11,000.

CHAPTER 61

An Act to amend the Co-operative Corporations Act

Assented to December 11th, 1981

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsections 151 (2) and (3) of the *Co-operative Corporations Act*, being chapter 91 of the Revised Statutes of Ontario, 1980, are repealed and the following substituted therefor: s. 151 (2, 3),
re-enacted

(2) An amendment under subsection (1) shall be authorized by a special resolution. Authoriza-
tion

(3) Subject to section 152, if the amendment is an amendment under clause (1) (*l*), (*m*) or (*n*), then, in addition to the confirmation required by subsection (2), the resolution is not effective until it has been confirmed in writing by 60 per cent of the members. Additional
authoriza-
tion of
amendments
under subs. (1)
(*l*), (*m*) or (*n*)

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment
3. The short title of this Act is the *Co-operative Corporations Amendment Act, 1981*. Short title

CHAPTER 62

An Act to amend the
Credit Unions and Caisses Populaires Act

Assented to December 17th, 1981

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts as
follows:

1. The *Credit Unions and Caisses Populaires Act*, being chapter 102 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following sections:

92a.—(1) A league may maintain a liquidity pool designated as a “mandatory liquidity pool”. ss. 92a-92c,
enacted

(2) Subject to section 92b, a league shall not maintain a mandatory liquidity pool unless, Idem

(a) it has submitted a plan for operating the pool to the Director and the Director has approved the plan; and

(b) the Lieutenant Governor in Council has, by order, authorized the league to maintain a mandatory liquidity pool.

92b.—(1) Where in the opinion of the Lieutenant Governor in Council a league should maintain a mandatory liquidity pool, the Lieutenant Governor in Council, without holding a hearing, may, by order, direct the league to maintain such a pool and the league shall thereupon maintain such a pool. Order
establishing
mandatory
liquidity
pool

(2) An order made under subsection (1) may contain a plan for operating the mandatory liquidity pool. Idem

92c.—(1) A league that maintains a mandatory liquidity pool shall operate the pool in accordance with the plan approved under clause 92a (2) (a) or included in an order under subsection 92b (2). Pool to be
operated in
accordance
with plan

(2) Each credit union that was a member of a league on the 1st day of July, 1981 or such other date as may be prescribed by the Deposits
with
league

regulations, which league has been authorized under clause 92a (2) (b) or directed under subsection 92b (1) to maintain a mandatory liquidity pool, shall deposit and maintain assets, which are authorized investments under subsection (4), with such league, as part of the mandatory liquidity pool, having a market value that is not less than 10 per cent of the member credit union's share, deposits and borrowings determined as of the 31st day of December of each year.

Idem

(3) A credit union required to make a deposit with a league pursuant to subsection (2) shall be exempt from the requirements of section 92.

Investments

(4) Subject to such limitations and restrictions as may be prescribed by the regulations, a league shall invest the assets of a mandatory liquidity pool in,

R.S.O. 1980,
c. 249

(a) cash, including deposits with a chartered bank in Canada, a loan or trust company registered under the *Loan and Trust Corporations Act*, the Province of Ontario Savings Office or a league, providing that such deposits are callable within ninety days;

(b) unencumbered bonds, debentures or other obligations of or guaranteed by the Government of Canada or by the government of any province, valued at market value; and

(c) such investments as may be authorized by the regulations.

Investment
committee

(5) A mandatory liquidity pool shall be managed by an investment committee consisting of three members nominated by the league who have been approved and appointed by the Lieutenant Governor in Council and where the league fails to nominate members, the Lieutenant Governor in Council may appoint the members.

Statements

(6) A league shall file with the Director, within fifteen days of the end of each quarter of its fiscal year, a statement of operation with respect to its mandatory liquidity pool, a balance sheet in relation to the pool and the auditor's report, if any, and the statement shall also contain such other information as to compliance with this section and the regulations as the Director requires.

Regulations

(7) The Lieutenant Governor in Council may, by regulation,

(a) prescribe limitations and restrictions on the investment of the assets of a mandatory liquidity pool and authorize additional investments for the purposes of subsection (4);

(b) establishing a rate of interest or a method of determining a rate of interest to be paid on deposits made under subsection (2) and a league shall pay to credit unions the rate of interest so established or determined on deposits made under subsection (2);

(c) prescribe alternate dates for the purposes of subsection (2); and

(d) exempt any credit union from the requirements of subsection (2) subject to such terms and conditions as may be set out in the regulations.

2. Section 95 of the said Act is amended by striking out "118" in the first line and inserting in lieu thereof "118b". s. 95, amended

3. Section 100 of the said Act is repealed and the following substituted therefor: s. 100, re-enacted

100.—(1) The members of the board of directors shall hold office for a term of three years commencing on the date on which they were appointed and thereafter until their successors are appointed. Term of office

(2) Notwithstanding subsection (1), the Lieutenant Governor in Council may remove a director from office before the expiration of his term. Removal

(3) Where a vacancy occurs in the board for any reason, the Lieutenant Governor in Council may appoint any person to fill the vacancy for the balance of the term of the director whose office is vacant and the nomination provisions of subsection 97 (1) do not apply to any such appointment. Vacancy

4. On the 1st day of January, 1985, section 100 of the said Act, as re-enacted by section 3 of this Act, is repealed and the following substituted therefor: s. 100, re-enacted

100. The members of the board of directors shall hold office for a term of three years commencing on the date on which they were appointed and thereafter until their successors are appointed and any casual vacancy occurring shall be filled in accordance with section 97 for the balance of the term of the director whose office became vacant. Term of office

5. Section 101 of the said Act is amended by adding thereto the following clause: s. 101, amended

(d) to provide, in its discretion, financial assistance for the purpose of assisting any league in its continued operation or in the orderly liquidation of its operations.

s. 102,
amended

6. Section 102 of the said Act is amended by adding thereto the following subsection:

Interpretation

- (2) For the purpose of subsection (1), "credit union" includes a league.

ss. 118a, 118b,
enacted

7. The said Act is further amended by adding thereto the following sections:

Guarantee
of loans

118a.—(1) Upon the recommendation of the Minister, the Lieutenant Governor in Council may, upon such terms as the Lieutenant Governor in Council considers proper, agree to guarantee and may guarantee the payment of any loan or loans or any part thereof, together with interest thereon,

- (a) made to the Corporation for the purpose of carrying out its objects; or

- (b) made to a credit union or league for the purpose of carrying out its objects, if the Corporation has also given or agreed to give a guarantee with respect thereto.

Form of
guarantee

(2) The form and manner of any guarantee given under this section shall be such as the Lieutenant Governor in Council approves and the guarantee shall be signed by the Treasurer of Ontario and Minister of Economics, who may sign as Treasurer of Ontario, and, upon being so signed, the Province of Ontario is liable for the payment of the loan or part thereof and interest thereon guaranteed according to the terms of the guarantee.

Payment of
interest

(3) Where a guarantee is given under this section, the Lieutenant Governor in Council may, upon the recommendation of the Minister, authorize the payment by the Province of Ontario of the whole or any part of the interest on any such loan for the whole or any part of the term of the guarantee.

Payment of
guarantee,
interest

(4) The Lieutenant Governor in Council may make arrangements for supplying the moneys necessary to fulfil the requirements of any guarantee or to provide for payment of interest under subsection (3), and to advance the amount necessary for that purpose out of the public funds of the Province of Ontario.

Order
taking over
management
of league

118b.—(1) Where in the opinion of the Lieutenant Governor in Council, the affairs of a league are not in satisfactory financial condition or that the operations of the league are not being conducted in accordance with sound business and financial practices, the Lieutenant Governor in Council, without holding a hearing, may, by order, direct the Corporation or such other person as may be named in the order to take possession of the property of the league.

(2) Where an order is made under subsection (1), the Corporation or other person named in the order, as the case may be, Effect of order

(a) shall forthwith take possession of the property of the league named in the order and conduct the business of the league and take such steps as in the opinion of the Corporation or other person may be taken toward the removal of the causes and conditions that have made the order necessary and for such purposes and without limiting the generality of the foregoing, the Corporation or other person has,

(i) the same powers with respect to the league as set out in clauses 116 (1) (a), (b) and (c) with respect to a credit union, and

(ii) the power to suspend or restrict the withdrawal of amounts deposited with the league, where, in the opinion of the Corporation or other person, the withdrawal would not be in the best interests of the league; and

(b) shall remain in possession of the property of the league until the Lieutenant Governor in Council orders otherwise.

8. Sections 118a and 118b of the said Act, as enacted by section 7 of this Act, are repealed on the 1st day of January, 1985. ss. 118a, 118b, repealed

9. This Act comes into force on the day it receives Royal Assent. Commencement

10. The short title of this Act is the *Credit Unions and Caisses Populaires Amendment Act, 1981*. Short title

CHAPTER 63

**An Act respecting the
City of Barrie and the Township of Innisfil***Assented to December 17th, 1981*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,Interpre-
tation

- (a) "City" means The Corporation of the City of Barrie;
- (b) "Minister" means the Minister of Municipal Affairs and Housing;
- (c) "Township" means The Corporation of the Township of Innisfil.

2.—(1) On the 1st day of January, 1982, the portion of the Township of Innisfil described in Schedule A is annexed to the City.

Annexation

(2) On the 1st day of January, 1987, the portion of the Township of Innisfil described in Schedule B is annexed to the City.

Subsequent
annexation

3.—(1) Except as provided in subsection (2), the City shall not apply for the annexation of any lands in the Township of Innisfil before the 1st day of January, 2012, unless the Township agrees to such annexation.

City not to
apply for
annexation
of certain
lands

(2) The City shall not apply for the annexation of any lands in the Township of Innisfil described in Schedule C, before the 1st day of January, 1997, unless the Township agrees to such annexation.

Idem

4.—(1) The portion of the Township of Innisfil described in Schedule D shall be designated by the Township in its official plan, and in subsequent amendments thereto, so as to ensure the preservation of farmland and to permit mineral resource extrac-

Official
plan
designations

tion and uses related to agriculture and mineral resource extraction.

Amendment
to official
plan
R.S.O. 1980,
c. 379

(2) Subsections 17 (3), (4) and (5) of the *Planning Act* do not apply where any person requests the council of the Township to amend its official plan in respect of the lands described in Schedule D in a manner inconsistent with the provisions of subsection (1), and any such request shall be refused by the council of the Township.

Zoning
by-law of
Township
deemed by-law
of City

5. On and after the 1st day of January, 1982, By-law No. 77-81 of the Township, in so far as it applies to the lands of the Township annexed to the City under subsection 2 (1), shall be deemed to be a by-law of the City and to have been approved by the Ontario Municipal Board.

Order of
Minister
re rates
of taxation

6.—(1) Notwithstanding any term of the agreement referred to in section 9 that provides for the levy and imposition of special rates of taxation, the Minister may provide from time to time, by order, that in the years 1982, 1983, 1984, 1985, 1986 and 1987, and in the manner specified in the order, that the council of the City shall levy and impose on the whole of the area annexed to the City under subsection 2 (1) and on the whole of the remainder of the City rates of taxation for general purposes and rates and charges for special purposes that are different than the rates and charges that would have been levied or imposed for such purposes but for the provisions of this section.

Idem

(2) Notwithstanding any term of the agreement referred to in section 9 that provides for the levy and imposition of special rates of taxation, the Minister may provide from time to time, by order, that in the years 1987, 1988, 1989, 1990 and 1991, and in the manner specified in the order, that the council of the City shall levy and impose on the whole of the area annexed to the City under subsection 2 (2) and on the whole of the remainder of the City rates of taxation for general purposes and rates and charges for special purposes that are different than the rates and charges that would have been levied or imposed for such purposes but for the provisions of this section.

Idem

(3) An order made under subsection (1) or (2) may provide for rates of taxation for general purposes and rates and charges for special purposes in defined areas of an annexed area lower than the rates generally applicable in the City to reflect the extent to which the annexed areas do not receive City services, and the rates may vary among the defined areas.

Adjustment of
assets and
liabilities

7. The City and the Township may enter into one or more agreements to provide for the adjustment of assets and liabilities between the City and the Township in respect of the areas annexed to the City under subsections 2 (1) and (2) as of the 31st day of December, 1981 and as of the 31st day of December, 1986, respectively.

8.—(1) The Minister may at any time, by order, redivide the City into wards taking into consideration the lands annexed to the City by subsection 2 (1), and subject to subsection (2) of this section, such wards shall remain in effect until altered by the Ontario Municipal Board. Redivision of wards

(2) The Minister may on or before the 1st day of January, 1987, by order, redivide the City into wards taking into consideration the lands annexed to the City by subsection 2 (2), and such wards shall remain in effect until altered by the Ontario Municipal Board. Idem

(3) In respect of the general municipal election to be held in the City next preceding the 1st day of January, 1987, the Minister may, by order, provide for the qualification of electors, the preparation of polling lists and such other matters as he considers necessary to ensure that residents in the area annexed to the City by subsection 2 (2) are enabled to vote or stand for office at such election. Qualification of electors, etc.

(4) An order made under subsection (1) or (2) may provide for the composition of the council of the City, and such composition shall remain in effect until altered by the Ontario Municipal Board. Composition of council

9. The City and the Township and those negotiating on their behalf shall be deemed to have always had the power to negotiate and enter into the agreement set out in the Barrie-Innisfil Negotiating Committee Recommendation for Agreement and the City and the Township are hereby authorized to implement the agreement in accordance with its terms. Barrie-Innisfil Negotiating Committee Recommendation for Agreement

10. The Minister may, by order, Grants, etc.

(a) provide for the participation by the Province in the financing of any services, or the expansion thereof, by the City or the Township; and

(b) provide for the payment of grants to the City or to the Township under such terms and conditions as the Minister considers appropriate.

11. The Lieutenant Governor in Council, upon the recommendation of the Minister, may authorize all such acts or things not specifically provided for in this Act that in the Minister's opinion are necessary or advisable to carry out the purposes or intent of the agreement between the City and the Township or of this Act. Conditional powers of L. G. in C.

12. The Public Utility Commission of the Township of Innisfil is dissolved effective the 1st day of January, 1982, and all Public Utility Commission dissolved

its rights, obligations, assets and liabilities are thereupon transferred to and vested in the Township.

Commence-
ment

13. This Act comes into force on the day it receives Royal Assent.

Short title

14. The short title of this Act is the *Barrie-Innisfil Annexation Act, 1981*.

SCHEDULE A

AREA TO BE ANNEXED TO THE CITY OF BARRIE ON THE 1ST DAY OF JANUARY, 1982

That portion of the Township of Innisfil described as follows:

Commencing at the northwesterly angle of the Township of Innisfil;

Thence southerly along the westerly boundary of the Township of Innisfil to the centre line of Concession XI;

Thence easterly along the half lot line of Concession XI to the westerly limit of the road allowance between lots 5 and 6;

Thence southerly along the westerly limit of the road allowance between lots 5 and 6 to the northerly limit of Concession X;

Thence easterly along the northerly limit of Concession X to the northeasterly angle of Lot 11 in Concession X;

Thence northerly to and along the easterly limit of Lot 11 in Concession XI to the northerly limit of the southerly half of the said Lot 11 in Concession XI;

Thence easterly to and along the southerly limit of the northerly half of Lot 12 to the southeasterly angle of the northerly half of the said Lot 12;

Thence northerly along the easterly limit of the said Lot 12 to the northerly limit of Concession XI;

Thence easterly along the northerly limit of Concession XI to the easterly limit of the right-of-way of the Canadian National Railway;

Thence northwesterly along the northeasterly limit of the said Railway right-of-way to the easterly limit of the road allowance between lots 15 and 16;

Thence northerly along the easterly limit of the road allowance between lots 15 and 16 to the southerly high water mark of Kempenfelt Bay;

Thence northerly along the northerly prolongation of the said road allowance between lots 15 and 16 to the middle of Kempenfelt Bay;

Thence westerly along the middle of Kempenfelt Bay to an angle in the City of Barrie;

Thence following the boundaries between the Township of Innisfil and the City of Barrie to the westerly boundary of the said City;

Thence westerly along the northerly boundary of the Township of Innisfil to the point of commencement.

SCHEDULE B

AREA TO BE ANNEXED TO THE CITY OF BARRIE ON THE 1ST DAY OF JANUARY, 1987

That portion of the Township of Innisfil described as follows:

Commencing at the intersection of the northerly limit of Lot 16, Concession XI of the Township of Innisfil with the easterly limit of the right-of-way of the Canadian National Railway;

Thence easterly along the northerly limit of lots 16, 17 and 18 in Concession XI to the northeasterly angle of the said Lot 18;

Thence northerly to and along the easterly limit of Lot 18 in Concession XII to the northeasterly angle of the said Lot 18;

Thence northerly along the northerly prolongation of the easterly limit of the said Lot 18 in Concession XII to the southerly limit of Concession XIII;

Thence westerly along the southerly limit of Concession XIII to the south-westerly angle of Lot 17;

Thence northerly along the westerly limit of the said Lot 17 and its prolongation to the middle of Kempenfelt Bay;

Thence westerly along the middle of Kempenfelt Bay to intersect the northerly prolongation of the easterly limit of the road allowance between lots 15 and 16;

Thence southerly to and along the easterly limit of the said road allowance to the northeasterly limit of the right-of-way of the Canadian National Railway;

Thence southeasterly along the northeasterly limit of the said Railway right-of-way to the point of commencement.

SCHEDULE C

LANDS NOT TO BE ANNEXED WITHOUT AGREEMENT

That portion of the Township of Innisfil described as follows:

Commencing at the intersection of the westerly boundary of the Township of Innisfil and the northerly limit of Concession IX;

Thence easterly along the northerly limit of Concession IX to the northeasterly angle of Lot 11;

Thence northerly to and along the easterly limit of Lot 11 in Concession X to the northeasterly angle of the said Lot 11;

Thence westerly along the northerly limit of the said Concession X to the westerly limit of the road allowance between lots 5 and 6;

Thence northerly along the westerly limit of the said road allowance to the centre line of Concession XI;

Thence westerly along the centre line of the said Concession XI to the westerly boundary of the Township of Innisfil;

Thence southerly along the westerly boundary of the said Township to the point of commencement.

SCHEDULE D

LANDS RESTRICTED TO AGRICULTURE AND MINERAL RESOURCE EXTRACTION AND RELATED USES AREA

That portion of the Township of Innisfil described as follows:

Commencing at the intersection of the westerly boundary of the Township of Innisfil and the northerly limit of Concession IX;

Thence easterly along the northerly limit of Concession IX to the northwesterly angle of Lot 15;

Thence northerly to and along the westerly limit of Lot 15 in Concession X to a point distant 522.42 metres (1,713.98 feet) measured south $10^{\circ} 50' 50''$ east therealong from the northwesterly angle of the said Lot 15;

Thence north $72^{\circ} 40' 50''$ east 600.80 metres (1,971.1 feet) to a point in the westerly limit of the King's Highway No. 11;

Thence southerly along the westerly limit of the said Highway to the centre line of Concession X;

Thence easterly along the centre line of Concession X to the easterly limit of the road allowance between lots 20 and 21;

Thence northerly along the easterly limit of the said road allowance to the southwesterly angle of Lot 21 in Concession XIII;

Thence westerly to and along the southerly limit of lots 20, 19, 18 and 17 in the said Concession XIII to the southwesterly angle of the said lot 17;

Thence northerly to and along the westerly limit of Lot 17 in Concession XIII to the southerly high water mark of Kempenfelt Bay in Lake Simcoe;

Thence westerly along the said high water mark to the westerly limit of Lot 16 in the said Concession XIII;

Thence southerly along the westerly limit of the said Lot 16 in Concessions XIII and XII to the northeasterly limit of the Canadian National Railway right-of-way;

Thence southeasterly along the northeasterly limit of the said railway right-of-way to the northerly limit of Concession XI;

Thence westerly along the northerly limit of Concession XI to the northeasterly angle of Lot 12;

Thence southerly along the easterly limit of the said Lot 12 to the southerly limit of the northerly half of the said lot;

Thence westerly to and along the northerly limit of the southerly half of the said Lot 12 to the westerly limit of the said Lot 12;

Thence southerly along the westerly limit of the said Lot 12 in Concession XI and its prolongation to the northerly limit of Concession X;

Thence westerly along the northerly limit of the said Concession X to the westerly limit of the road allowance between lots 5 and 6;

Thence northerly along the westerly limit of the said road allowance to the centre line of Concession XI;

Thence westerly along the centre line of the said Concession XI to the westerly boundary of the Township of Innisfil;

Thence southerly along the westerly boundary of the said Township to the point of commencement.

CHAPTER 64

**An Act to incorporate The George R. Gardiner
Museum of Ceramic Art***Assented to December 17th, 1981*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,Interpre-
tation

- (a) "Board" means the Board of Trustees of the Museum;
- (b) "Museum" means The George R. Gardiner Museum of Ceramic Art;
- (c) "property" means real or personal property and any interest therein.

2.—(1) There is hereby constituted a corporation without share capital under the name "The George R. Gardiner Museum of Ceramic Art".

George R.
Gardiner
Museum of
Ceramic Art
incorporated

(2) The Museum shall consist of the members of the Board.

Composition
of the
Museum

3. The objects of the Museum are, for charitable purposes,

Objects
of the
Museum

- (a) to collect, conserve, lend and exhibit to the public works of ceramic, decorative and fine art and materials associated with civilizations producing such art;
- (b) to promote research, education and public interest in the origin, history, development, techniques and appreciation of ceramic, decorative and fine art; and
- (c) to provide facilities and services for the purposes referred to in clauses (a) and (b).

4.—(1) The affairs of the Museum shall be managed and controlled by the Board which shall consist of fifteen trustees as follows:

Board
of Trustees

1. Five persons appointed by the Board of Regents of Victoria University.
2. One person appointed by the council of The Corporation of the City of Toronto.
3. Nine persons appointed initially by the Lieutenant Governor in Council of whom two shall be George Ryerson Gardiner and Helen Elsie Elizabeth Gardiner and thereafter those nine persons elected in the manner prescribed by the by-laws of the Board by the nine trustees initially appointed under this paragraph or their successors.

Term of
office

(2) A trustee appointed or elected under subsection (1) shall hold office for a term of two years and until his successor is appointed or elected, as the case may be.

Vacancies

(3) Where a vacancy occurs on the Board, the vacancy may be filled,

(a) in the case of a vacancy of a trustee appointed under paragraph 1 or 2 of subsection (1), by appointment by the body that appointed the trustee whose office is vacant; and

(b) in the case of a vacancy of a trustee appointed or elected under paragraph 3 of subsection (1), by appointment by the remaining trustees appointed or elected under that paragraph,

and the person so appointed shall serve for the remainder of the unexpired term of the trustee whose office is vacant.

Reappoint-
ment and
re-election

(4) A trustee is eligible for reappointment or re-election, as the case may be.

Chairman,
vice-chairman

(5) The trustees shall annually elect from among themselves a chairman and one or more vice-chairmen.

Idem

(6) The chairman shall preside at all meetings of the Board and, in his absence, a vice-chairman shall preside, and, in the absence of the chairman and the vice-chairmen, the members present at a meeting shall elect one of themselves to preside.

Compen-
sation

(7) The trustees shall serve without compensation, and no trustee shall, directly or indirectly, receive any remuneration as such but reasonable expenses incurred by any trustee in the performance of his duty may be paid.

5.—(1) Subject to subsection (2), every trustee and officer of the Museum and his heirs, executors, administrators and other legal personal representatives may from time to time be indemnified and saved harmless by the Museum from and against, Indemnity

- (a) any liability and all costs, charges and expenses that he sustains or incurs in respect of any action, suit or proceeding that is proposed or commenced against him for or in respect of anything done or permitted by him in respect of the execution of the duties of his office; and
- (b) all other costs, charges and expenses that he sustains or incurs in respect of the affairs of the Museum.

(2) No trustee or officer of the Museum shall be indemnified by the Museum in respect of any liability, costs, charges or expenses that he sustains or incurs in or about any action, suit or other proceeding as a result of which he is adjudged to be in breach of any duty or responsibility imposed upon him under this Act or under any other statute unless, in an action brought against him in his capacity as trustee or officer, he has achieved complete or substantial success as a defendant. Limitation

(3) The Museum may purchase and maintain insurance for the benefit of a trustee or officer thereof, except insurance against a liability, cost, charge or expense of the trustee or officer incurred as a result of his failure to exercise the powers and discharge the duties of his office honestly, in good faith and in the best interests of the Museum, exercising in connection therewith the degree of care, diligence and skill that a reasonably prudent person would exercise in comparable circumstances. Insurance

6. The Board may, Powers
of Board

- (a) make by-laws, rules and regulations necessary or incidental to carrying out the objects of the Museum and the powers and duties of the Board;
- (b) appoint a Director of the Museum but the Director shall not be a trustee of the Museum;
- (c) appoint, promote, transfer or remove such officers and clerks and servants as the Board considers necessary from time to time for the proper conduct of the affairs of the Museum and the Board may delegate all or a part of the authority for so doing to the Director;
- (d) fix the number, duties, salaries, qualifications and tenure of office or employment and other emoluments of officers and members of the staff of the Museum;

- (e) provide for the retirement and superannuation of persons mentioned in clauses (b) and (c);
- (f) appoint by resolution a trustee or trustees of the Board, or any other person or persons, to execute on behalf of the Board any documents or other instruments in writing and to affix the corporate seal of the Museum thereto;
- (g) appoint an executive committee composed of the chairman, a vice-chairman and not more than five trustees of the Board and delegate to the executive committee such powers of the Board as the Board may, from time to time, decide;
- (h) appoint other committees from the trustees of the Board and such other committees as are considered desirable, and confer upon any such committees authority to act for the Board with respect to any matter or any class or classes of matters;
- (i) enter into agreements with any association or organization to promote the objects of the Museum;
- (j) enter into agreements with one or more universities, colleges, schools or school boards consistent with the objects of the Museum; and
- (k) generally conduct and manage the business and affairs of the Museum.

Fiscal
year

7. The fiscal year of the Museum may be determined by the Board, from time to time, by by-law.

Property
R.S.O. 1980,
c. 219

8. The Museum has, in addition to the powers, rights and privileges mentioned in section 26 of the *Interpretation Act*, the power to purchase or otherwise acquire, take or receive by gift, bequest or devise and to hold and enjoy any estate or property whatsoever, and to sell, grant, convey, mortgage, lease or otherwise dispose of the estate or property or any part thereof from time to time and as occasion may require, subject to the provisions of section 16 of this Act, and to acquire other estate or property in addition thereto or in place thereof without licence in mortmain and without limitation as to the period of holding any property actually required for the use and occupation of the Museum.

Tax
exemptions

9. The property vested in or leased to the Museum is not liable to taxation for municipal or school purposes, so long as it is actually used and occupied for the purposes of the Museum.

10. The property and the income, revenues, issues and profits of all property of the Museum shall be applied solely to achieving the objects of the Museum.

Application
of
property

11.—(1) The Board may borrow money upon the credit of the Museum, and may issue bonds, debentures or other securities of the Museum, and may pledge or sell them for such sums or at such prices as may be considered expedient or necessary, and hypothecate, mortgage or pledge all or any of the property, rights or powers of the Museum to secure any bonds, debentures or other securities and any indebtedness of or money borrowed for the purposes of the Museum.

Borrowing
powers

(2) Until the 31st day of March, 1987, the Board shall not exercise its powers under subsection (1) without the approval of the Lieutenant Governor in Council.

Limitation

12. The funds of the Museum not immediately required for its purposes and the proceeds of all property that come to the Museum, subject to any trust or trusts affecting them, may be invested in such investments as the Board considers proper.

Investment
of funds

13. The Board shall appoint one or more auditors licensed under the *Public Accountancy Act* to audit the accounts and transactions of the Museum at least once a year.

Audit
R.S.O. 1980,
c. 405

14.—(1) The Board shall submit to the Minister of Culture and Recreation an annual report and such other reports as he may request from time to time.

Annual
report,
etc.

(2) The Minister of Culture and Recreation shall submit the annual report to the Lieutenant Governor in Council and shall then lay such report before the Assembly if it is in session or, if not, at the next ensuing session.

Tabling

15.—(1) The Minister of Culture and Recreation, with the approval of the Lieutenant Governor in Council and upon such terms and conditions as the Lieutenant Governor in Council may prescribe, may make grants for the endowment of the Museum and for the construction of Museum buildings.

Authority
to make
grants to
the Museum

(2) The moneys required for the purposes of subsection (1) shall be paid out of the Consolidated Revenue Fund.

Moneys

16. Nothing in this Act authorizes the Board to alienate, hypothecate, mortgage or pledge any real or personal property given, devised or bequeathed to it with a condition annexed to such gift that the property shall not be alienated, hypothecated, mortgaged or pledged.

Trust
property

Dissolution

17. Upon the dissolution of the Museum and after the payment of all debts and liabilities, the remaining property of the Museum shall be given to a museum, art gallery or educational institution designated by the Lieutenant Governor in Council.

Conflict

R.S.O. 1980,
cc. 95, 297

18. In the event of a conflict between any provision of this Act and any provision of the *Corporations Act* and the *Mortmain and Charitable Uses Act*, the provision of this Act prevails.

Commence-
ment

19. This Act comes into force on the day it receives Royal Assent.

Short title

20. The short title of this Act is the *George R. Gardiner Museum of Ceramic Art Act, 1981*.

CHAPTER 65

**An Act to confirm the
Revised Statutes of Ontario, 1980**

Assented to December 17th, 1981

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.** The statutes contained in the Revised Statutes of Ontario, 1980, as printed by the Queen's Printer, shall have effect as law in the form in which they were printed, subject to enactments made after the 1st day of January, 1981. R.S.O. 1980,
confirmed
- 2.** The enactments mentioned in Schedule A to the Revised Statutes of Ontario, 1980, as printed by the Queen's Printer, are repealed to the extent mentioned in the third column of the Schedule. Schedule A,
confirmed
- 3.** This Act shall be deemed to have come into force on the 1st day of August, 1981. Commence-
ment
- 4.** The short title of this Act is the *Revised Statutes Confirmation Act, 1981*. Short title

CHAPTER 66

**An Act to amend the
Revised Statutes of Ontario, 1980**

Assented to December 17th, 1981

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The provisions of the Revised Statutes of Ontario, 1980 cited in column 1 of the Schedule are amended as set out in column 2. Amendments
- 2.—(1) This Act shall be deemed to have come into force on the 1st day of August, 1981. Commence-
ment
- (2) Notwithstanding subsection (1), the Court of Appeal shall be deemed to have and to have had jurisdiction to hear, determine and dispose of any appeal under a provision amended by item 3, 9, 11, 18 or 19 of the Schedule set down in or adjourned to the Court of Appeal on or after the 2nd day of August, 1981 and on or before the 7th day of December, 1981. Saving
3. The short title of this Act is the *Revised Statutes Amendment Act, 1981*. Short title

SCHEDULE

ITEM	COLUMN 1	COLUMN 2
1.	<i>Business Corporations Act</i> , c. 54	by adding thereto the following section: "262a. An appeal lies to the Divisional Court from any order made by the court under this Act".
2.	<i>Child Welfare Act</i> , c. 66, clause 94 (1) (e)	by striking out "52 (1)" in the second line and inserting in lieu thereof "54 (1)".
3.	<i>Conveyancing and Law of Property Act</i> , c. 90, subs. 37 (6)	by striking out "Court of Appeal" in the first line and inserting in lieu thereof "Divisional Court".
	subs. 61 (6)	by striking out "Court of Appeal" in the first line and inserting in lieu thereof "Divisional Court".
4.	<i>Energy Act</i> , c. 139, s. 26	by striking out "21" in the first line and inserting in lieu thereof "22".

ITEM	COLUMN 1	COLUMN 2
5.	<i>Financial Administration Act</i> , c. 161, s. 19, par. 2 cl. 23 (2) (c)	by striking out "19" in the sixth line and inserting in lieu thereof "10". by striking out "32" in the third line and inserting in lieu thereof "20".
6.	<i>Landlord and Tenant Act</i> , c. 232, subs. 116 (2)	by striking out "116 (2) to the person entitled thereto" in the eighth line and inserting in lieu thereof "113 (6) shall accompany the notice".
7.	<i>Liquor Licence Act</i> , c. 244, subcl. 6 (1) (c) (ii) subs. 36 (2) s. 37 cl. 39 (r)	by striking out "20" in the fifth line and inserting in lieu thereof "19". by striking out "45 (3)" in the second line and inserting in lieu thereof "45 (4)". by striking out "45 (3)" in the second line and inserting in lieu thereof "45 (4)". by striking out "(1) (b)" in the second line and inserting in lieu thereof "1 (b)".
8.	<i>Mental Health Act</i> , c. 262, subs. 56 (1) subs. 56 (2) subs. 56 (3)	by striking out "Divisional Court" in the eighth and ninth lines and inserting in lieu thereof "Supreme Court". by striking out "Divisional Court" in the first line and inserting in lieu thereof "Supreme Court". by striking out "Divisional Court" in the second line and inserting in lieu thereof "Supreme Court".
9.	<i>Mortgages Act</i> , c. 296, subs. 11 (10)	by striking out "Court of Appeal" in the first line and inserting in lieu thereof "Divisional Court".
10.	<i>Motor Vehicle Accident Claims Act</i> , c. 298, subs. 4 (1)	by striking out "6 (1)" in the seventh line and inserting in lieu thereof "5 (1)".
11.	<i>Partition Act</i> , c. 369, s. 8	by striking out "Court of Appeal" in the first line and inserting in lieu thereof "Divisional Court".
12.	<i>Public Health Act</i> , c. 409, subs. 4 (5) subs. 92 (3)	by striking out "(3)" in the first line and inserting in lieu thereof "(4)". by striking out "24" in the fifth line and inserting in lieu thereof "28".
13.	<i>Public Service Superannuation Act</i> , c. 419, subs. 13 (9) subs. 13 (11)	by striking out "(8)" in the first line and inserting in lieu thereof "(7)". by striking out "(a) or" in the fourth line.
14.	<i>Regional Municipality of Halton Act</i> , c. 436	by renumbering section 41 where it occurs the first time immediately following section 38 as section 39 and by striking out "Sections 292 and 294 of the <i>Municipal Act</i> do" in the first line of the said section 39 and inserting in lieu thereof "No by-law passed by an area municipality for".

ITEM	COLUMN 1	COLUMN 2
15.	<i>Residential Tenancies Act</i> , c. 452, subs. 129 (2)	by inserting after "Part" in the third line "or any predecessor thereof or by <i>The Residential Premises Rent Review Act, 1975 (2nd Session)</i> ".
16.	<i>Small Claims Courts Act</i> , c. 476, s. 157	by striking out "155 (1)" in the first line and inserting in lieu thereof "156 (1)".
17.	<i>Succession Law Reform Act</i> , c. 488, cl. 31 (d)	by striking out "46" and inserting in lieu thereof "45".
18.	<i>Unconscionable Transactions Relief Act</i> , c. 514, subs. 4 (5)	by striking out "Court of Appeal" in the first line and inserting in lieu thereof "Divisional Court".
19.	<i>Vendors and Purchasers Act</i> , c. 520, subs. 3 (6)	by striking out "Court of Appeal" in the first line and inserting in lieu thereof "Divisional Court".
20.	<i>Vital Statistics Act</i> , c. 524, subs. 15 (2)	by striking out "54 (m)" in the first line and inserting in lieu thereof "55 (m)".

CHAPTER 67

An Act to amend the Toronto Area Transit Operating Authority Act

Assented to December 18th, 1981

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 2 (3) of the *Toronto Area Transit Operating Authority Act*, being chapter 505 of the Revised Statutes of Ontario, 1980, is amended by striking out “five” in the second line and inserting in lieu thereof “three”. s. 2 (3),
amended

- (2) Section 2 of the said Act is amended by adding thereto the following subsection: s. 2,
amended
 - (10) Sections 3 and 12 of the *Public Vehicles Act* do not apply to the Authority or to the holder of an operating licence issued under that Act who leases a bus to or from the Authority. Where
R.S.O. 1980,
c. 425
does not apply

- (3) Notwithstanding subsection (1), the member appointed by the Lieutenant Governor in Council holding office on the day this Act comes into force remains in office until his term of five years expires. Present
chairman

- 2.—(1) Clause 5 (c) of the said Act is repealed and the following substituted therefor: s. 5 (c),
re-enacted
 - (c) to facilitate the operational integration of surface and subsurface inter-regional transit systems and surface and subsurface regional transit systems, and to operate, within the area of jurisdiction of the Authority on routes where the Authority operates an inter-regional transit service, transit services within a regional area at the request of and under an agreement with the council of the regional area or the council of an area municipality within the regional area.

s. 5 (d),
amended

- (2) Clause 5 (d) of the said Act is amended by striking out "co-ordinating" in the second line and inserting in lieu thereof "operational integration".

s. 6 (1) (e),
amended

- 3.—(1) Clause 6 (1) (e) of the said Act is amended by striking out "the integration or co-ordination or both" in the first line and inserting in lieu thereof "the operational integration".

s. 6 (2) (d) (i),
amended

- (2) Subclause 6 (2) (d) (i) of the said Act is amended by inserting after "with" in the second line "or without".

s. 6a,
enacted

4. The said Act is amended by adding thereto the following section:

Agreements
with
Minister

6a.—(1) The Minister and the Authority may, subject to the approval of the Lieutenant Governor in Council, enter into an agreement that the Authority shall establish, acquire, construct, operate and maintain a transit system that is not within or limited to its area of jurisdiction.

Powers

(2) The powers of the Authority under subsection 6 (2) shall extend to activities carried out by the Authority under an agreement entered into under subsection (1), and, for purposes of carrying out the terms of the agreement, shall not be limited to inter-regional transit systems.

Payment
of
expenditures

(3) The Minister may pay all or part of the expenditures, pursuant to an agreement made under subsection (1), to establish, acquire, construct, operate and maintain a transit system and to acquire lands and equipment necessary and incidental thereto.

s. 9 (3),
re-enacted

5. Subsection 9 (3) of the said Act is repealed and the following substituted therefor:

Motor vehicle
owner and
driver liable
for penalties

(3) The owner of a vehicle may be charged with and convicted of any contravention of a regulation made under subsection (1) prohibiting or regulating vehicular traffic for which the driver of the vehicle is subject to be charged unless, at the time of the contravention, the vehicle was in the possession of some person other than the owner without the owner's consent and on conviction the owner is liable to the penalty prescribed for the offence.

Commence-
ment

6. This Act comes into force on the day it receives Royal Assent.

Short title

7. The short title of this Act is the *Toronto Area Transit Operating Authority Amendment Act, 1981*.

CHAPTER 68

**An Act to amend the Public
Transportation and Highway Improvement Act***Assented to December 18th, 1981*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 94 of the *Public Transportation and Highway Improvement Act*, being chapter 421 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following subsection:

(5a) Where the capital costs referred to in subsection (5) Idem relate to the acquisition, by purchase or lease, of such public transportation vehicles with electrically driven motors as the Minister may designate or to the acquisition and installation of equipment to be used in conjunction with the vehicles which equipment is required solely because the vehicles use electrically driven motors, the Minister may direct payment of an amount equal to 90 per cent of those costs.

s. 94,
amended
2. This Act comes into force on the day it receives Royal Assent. Commence-
ment
3. The short title of this Act is the *Public Transportation and Highway Improvement Amendment Act, 1981*. Short title

CHAPTER 69

Dangerous Goods Transportation Act, 1981

Assented to December 18th, 1981

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "analyst" means any person designated as an analyst under the *Transportation of Dangerous Goods Act* (Canada); 1980, c. 36
(Can.)
- (b) "container" means transport equipment, including equipment that,
- (i) is carried on a chassis,
 - (ii) is strong enough to be suitable for repeated use, and
 - (iii) is designed to facilitate the transportation of goods without intermediate reloading,
- but does not include a vehicle;
- (c) "dangerous goods" means any product, substance or organism included by its nature or by the regulations in any of the classes listed in the Schedule;
- (d) "highway" means a highway as defined in the *Highway Traffic Act*; R.S.O. 1980,
c. 198
- (e) "inspector" means any person designated as an inspector by the Minister under this Act;
- (f) "Minister" means the Minister of Transportation and Communications;
- (g) "packaging" means any receptacle or enveloping material used to contain or protect goods, but does not include a container or a means of transport;
- (h) "prescribed" means prescribed by the regulations;

(i) "regulations" means the regulations made under this Act unless the context indicates otherwise;

(j) "safety mark" includes any design, symbol, device, sign, label, placard, letter, word, number, abbreviation or any combination thereof that is to be displayed on dangerous goods, packaging or containers or vehicles used in the transporting of dangerous goods;

(k) "safety requirements" means requirements for the transportation of dangerous goods, the reporting of the transportation, the training of persons engaged in the transportation and the inspection of the transportation;

(l) "safety standards" means standards regulating the design, construction, equipping, functioning or performance of containers, packaging or vehicles used in the transporting of dangerous goods;

(m) "shipping document" means any document that accompanies dangerous goods being transported and that describes or contains information relating to the goods and, in particular, but without restricting the generality of the foregoing, includes a bill of lading, cargo manifest, shipping order or way-bill;

R.S.O. 1980,
c. 198

(n) "trailer" means a trailer as defined in the *Highway Traffic Act*;

1980, c. 36
(Can.)

(o) "*Transportation of Dangerous Goods Act* (Canada)" means the *Transportation of Dangerous Goods Act* (Canada), as amended from time to time and includes the regulations made under that Act from time to time unless the context indicates otherwise;

(p) "vehicle" means a vehicle as defined in the *Highway Traffic Act*.

Where Act
does not
apply

2.—(1) This Act does not apply to dangerous goods transported in a vehicle,

(a) while under the sole direction or control of the Minister of National Defence for Canada; or

(b) for which a permit is issued under subsection (2) while there is compliance with the permit.

Permit

(2) The Minister or a person designated by him may issue a permit exempting, from the application of this Act, the transportation of dangerous goods in a vehicle.

(3) A permit issued under subsection (2) is subject to such terms and conditions as the issuer considers appropriate and are contained in the permit. Idem

(4) The Minister may designate in writing any person as a person authorized to issue a permit referred to in subsection (2). Person designated

(5) This Act binds the Crown. Application to Crown

3. No person shall transport any dangerous goods in a vehicle on a highway unless, Offences

(a) all applicable prescribed safety requirements are complied with; and

(b) the vehicle and all containers and packaging in it comply with all applicable prescribed safety standards and display all applicable prescribed safety marks.

4.—(1) Every person who contravenes section 3 is guilty of an offence and is liable, Penalty

(a) on the first conviction to a fine of not more than \$50,000; and

(b) on each subsequent conviction to a fine of not more than \$100,000,

or to imprisonment for a term of less than two years.

(2) Every person who contravenes any provision of this Act or the regulations for which no other penalty is provided by this Act is guilty of an offence and is liable on conviction to a fine of not more than \$10,000 or to imprisonment for a term not exceeding one year. Idem

(3) No proceedings under this section may be instituted after two years from the day the offence was committed. Time limit

5. It is a defence to a charge under this Act for the accused to establish that he took all reasonable measures to comply with this Act. Defence

6. In any prosecution for an offence under this Act, it is sufficient proof of the offence to establish that it was committed by an employee or agent of the accused whether or not the employee or agent is identified or has been prosecuted for the offence, but it is a defence for the accused to establish that the offence was committed without his knowledge and that he took all reasonable measures to prevent its commission. Offences by employee or agent

Officers,
etc., of
corporation

7. Any officer, director or agent of the corporation who directed, authorized, assented to, acquiesced in or participated in the commission of an offence is a party to and guilty of the offence and is liable on conviction to the penalty provided for the offence whether or not the corporation has been prosecuted or convicted.

Certificate
or report of
inspector
or analyst

8.—(1) Subject to subsections (3) and (4), a certificate or report appearing to have been signed by an inspector or analyst stating that he has made an inspection or analyzed or examined a vehicle, product, substance or organism and stating the results of the inspection, analysis or examination is admissible in evidence in any prosecution for an offence under this Act without proof of the signature or official character of the person appearing to have signed the certificate or report and, in the absence of any evidence to the contrary, is proof of the statements contained in the certificate or report.

Copies or
extracts

(2) Subject to subsections (3) and (4), a copy or an extract made by an inspector under clause 10 (2) (b) and appearing to have been certified under his signature as a true copy or extract is admissible in evidence in any prosecution for an offence under this Act without proof of the signature or official character of the person appearing to have signed the copy or extract and, in the absence of any evidence to the contrary, has the same probative force as the original document would have if it had been proved in the ordinary way.

Attendance
of inspector
or analyst

(3) The party against whom a certificate or report is produced under subsection (1) or against whom a copy or an extract is produced under subsection (2) may require the attendance of the inspector or analyst who signed or appears to have signed the certificate, report, copy or extract for the purposes of cross-examination.

Notice

(4) No certificate, report, copy or extract referred to in subsection (1) or (2) shall be received in evidence unless the party intending to produce it has served on the party against whom it is intended to be produced a notice of such intention together with a duplicate of the certificate, report, copy or extract.

Designation
of inspectors

9.—(1) The Minister may designate any person as an inspector for the purposes of this Act.

Inspector
to show
certificate

(2) An inspector shall be furnished with a certificate of his designation and, on inspecting any container, packaging or vehicle he shall, if so required, produce the certificate to the person in charge of the thing being inspected.

Certificate

(3) Where an inspector inspects or takes a sample of anything under this Act he shall, if the thing is sealed or closed up, provide

the person in charge of it with a certificate in prescribed form evidencing the inspection or taking of the sample.

(4) A certificate provided under subsection (3) relieves the person to or for whose benefit it is provided of liability with respect to the inspection or taking of a sample evidenced by the certificate, but does not otherwise exempt that person from compliance with this Act and the regulations. Effect of certificate

10.—(1) For the purpose of ensuring compliance with this Act and the regulations, an inspector may, at any time, stop and inspect a vehicle and its load where he believes that dangerous goods are being transported, and request the opening and inspection of or open and inspect any container, packaging or vehicle on a highway wherein or whereby he believes that the dangerous goods are being transported. Powers of inspectors

(2) On inspecting any container, packaging or vehicle under subsection (1), an inspector may, Inspection

(a) for the purpose of analysis, take samples of anything found therein that he believes on reasonable and probable grounds to be dangerous goods; and

(b) examine and make copies and extracts of any books, records, shipping documents or other documents or papers that he believes on reasonable and probable grounds contain any information relevant to the administration or enforcement of this Act and the regulations.

(3) The owner or person who has the charge, management or control of any container, packaging or vehicle inspected under subsection (1) shall give an inspector all reasonable assistance in his power to enable the inspector to carry out his duties and functions under this Act. Assistance to inspectors

(4) No person shall, while an inspector is exercising his powers or carrying out his duties and functions under this Act, Obstruction of inspectors

(a) fail to comply with any reasonable request of the inspector;

(b) knowingly make any false or misleading statement either verbally or in writing to the inspector;

(c) except with the authority of the inspector, remove, alter or interfere in any way with anything removed by the inspector; or

(d) otherwise obstruct or hinder the inspector.

Regulations

11.—(1) The Lieutenant Governor in Council may make regulations,

- (a) prescribing products, substances and organisms to be included in the classes listed in the Schedule;
- (b) establishing divisions, subdivisions and groups of dangerous goods and classes thereof;
- (c) specifying, for each product, substance and organism prescribed under clause (a), the class listed in the Schedule and the division, subdivision or group into which it falls;
- (d) determining or providing the manner of determining the class listed in the Schedule and the division, subdivision or group into which any dangerous goods not prescribed under clause (a) falls;
- (e) exempting from the application of this Act and the regulations or any provision thereof the transporting of dangerous goods in such quantities or concentrations, in such circumstances, for such purposes or in such vehicles as are specified in the regulations;
- (f) prescribing the manner of identifying any quantities or concentrations of dangerous goods exempted under clause e;
- (g) prescribing the manner in which a permit under clause 2 (1) (b) shall be applied for and issued;
- (h) prescribing safety marks, safety requirements and safety standards of general or particular application;
- (i) prescribing shipping documents and other documents to be used in respect of the transporting of dangerous goods in a vehicle on a highway, the information to be included in such documents and the persons by whom and manner in which such documents are to be used and retained;
- (j) prescribing forms for the purposes of this Act and the regulations;
- (k) amending the Schedule;
- (l) fixing the form, amount, nature, class, terms and conditions of insurance or bond that shall be provided and carried by persons or classes of persons while transporting dangerous goods in a vehicle or class of vehicle on a highway;

- (m) prohibiting the transporting of dangerous goods under such circumstances as are prescribed;
- (n) prohibiting the transporting of such dangerous goods as are prescribed;
- (o) requiring persons having charge, management or control of dangerous goods escaping a container, packaging or vehicle on a highway to report the occurrence to a designated person, designating the person to whom the report is to be made and prescribing the information to be included in the report and the manner of reporting.

(2) Any regulation made under subsection (1) may adopt by reference, in whole or in part, with such changes as the Lieutenant Governor in Council considers necessary any code or standard, or any regulation made by the Government of Canada, and may require compliance with any code, standard or regulation that is so adopted.

Code, etc.,
may be
adopted by
reference

12.—(1) The Minister may, with the approval of the Lieutenant Governor in Council, enter into an agreement with the Government of Canada with respect to the administration and enforcement of,

Agreements
respecting
enforcement

(a) this Act and the regulations or any provision thereof;
and

(b) the *Transportation of Dangerous Goods Act* (Canada),
or any provision thereof.

1980, c. 36
(Can.)

(2) An agreement entered into under subsection (1) may provide for any matters necessary for or incidental to the implementation, administration or enforcement agreed on and for the apportionment of any costs, expenses or revenues arising therefrom.

Costs,
expenses,
revenues
and related
matters

(3) The Minister shall, as soon as possible, after the end of each year, prepare and cause to be laid before the Legislature, a report on the administration and enforcement of this Act for that year.

Annual
report

13.—(1) Where a provision in,

(a) the *Boilers and Pressure Vessels Act*;

(b) the *Gasoline Handling Act*;

(c) the *Highway Traffic Act*;

Act has
primacy over
R.S.O. 1980,
cc. 46, 185,
198, 139, 376

(d) the *Energy Act*; or

(e) the *Pesticides Act*,

purports to require or authorize anything that is a contravention of this Act, this Act applies and prevails unless it is specifically provided that the provision is to apply notwithstanding this Act.

Interpre-
tation

(2) For the purposes of subsection (1), a reference to an Act mentioned in subsection (1) includes all regulations, rules or orders made under the Act.

Commence-
ment

14. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

15. The short title of this Act is the *Dangerous Goods Transportation Act, 1981*.

SCHEDULE

Class 1 — Explosives, including explosives within the meaning of the *Explosives Act* (Canada)

Class 2 — Gases: compressed, deeply refrigerated, liquefied or dissolved under pressure

Class 3 — Flammable and combustible liquids

Class 4 — Flammable solids; substances liable to spontaneous combustion; substances that on contact with water emit flammable gases

Class 5 — Oxidizing substances; organic peroxides

Class 6 — Poisonous (toxic) and infectious substances

Class 7 —

Class 8 — Corrosives

Class 9 — Miscellaneous products, substances or organisms considered by the Lieutenant Governor in Council to be dangerous to life, health, property or the environment when transported in a vehicle on a highway and prescribed to be included in this class.

CHAPTER 70

**An Act to facilitate the
Negotiation and Resolution of Municipal
Boundary and Boundary-related Issues**

Assented to December 18th, 1981

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

(a) "local board" means a local board as defined in the *Municipal Affairs Act*;

R.S.O. 1980,
c. 303

(b) "Minister" means the Minister of Municipal Affairs and Housing;

(c) "Municipal Board" means the Ontario Municipal Board;

(d) "municipality" includes a metropolitan, regional or district municipality and the County of Oxford;

(e) "party municipality" means a municipality having a substantial interest in an issue raised by an application under section 2 as determined by the Minister or the chief negotiator.

2. The council of a municipality that desires the resolution of an intermunicipal boundary issue or an intermunicipal boundary-related issue may by by-law apply to the Minister for the initiation of the procedures provided for in this Act.

Application
to
Minister

3.—(1) Section 2 does not apply to any metropolitan, regional or district municipality or the County of Oxford or to any area municipality in a metropolitan, regional or district municipality or the County of Oxford, except in respect of an intermunicipal boundary issue or the resolution of an intermunicipal boundary-related issue that is, in the opinion of the Minister, of a minor nature.

Where s. 2
does not
apply

Issues to which Act does not apply

(2) Where the Minister or a chief negotiator determines that a metropolitan, regional or district municipality or the County of Oxford or an area municipality thereof is a party municipality in respect of any issue raised by an application made under section 2 that is not in the opinion of the Minister of a minor nature, the provisions of this Act do not apply to that issue.

Inquiry by the Minister

4.—(1) Following receipt of an application under section 2, the Minister may determine and inquire into the issues raised by the application, determine the party municipalities, obtain the opinion of any local board that the Minister considers is affected by the application, and send to the clerk of each party municipality a report setting out the issues, the party municipalities and such other matters as the Minister considers appropriate.

Where opinion of school boards to be obtained

(2) Where the Minister has inquired into the issues raised by an application, the Minister shall obtain the opinion of any school board that he considers is affected by the application.

Information

5. A party municipality shall make available to the Minister all information in its possession or to which it has access, relevant to the issues raised, that the Minister requires.

Powers of Minister

6.—(1) Following the sending of a report under section 4, the Minister may,

- (a) recommend to the Assembly such legislative measures as he considers appropriate to implement any agreement reached by the party municipalities; or
- (b) recommend to the Lieutenant Governor in Council the making of an order under section 14 to implement any agreement reached by the party municipalities; or
- (c) where agreement has not been reached by the party municipalities, direct that the council of each party municipality appoint, within twenty-eight days or such longer period as he may stipulate, such number of persons, members of council at the time of their appointment, as he considers appropriate to negotiate and recommend agreements on behalf of the municipality in respect of any intermunicipal boundary issue or boundary-related issue; or
- (d) take such other action as the Minister considers appropriate.

Failure to appoint members to negotiating committee

(2) Where a party municipality fails to appoint members to the negotiating committee within the time stipulated by the Minister in a direction under clause (1) (c), the Minister may appoint from among the members of the council of the municipality the requisite number of persons to be members of the committee.

7. Following the appointment of members of the negotiating committee under clause 6 (1) (c) or subsection 6 (2), the Minister shall appoint a person to serve as chief negotiator.

Appointment
of chief
negotiator

8.—(1) The chief negotiator and the persons appointed under clause 6 (1) (c) or subsection 6 (2) jointly constitute the negotiating committee.

Constitution
of
negotiating
committee

(2) The council of a party municipality and each negotiator shall act responsibly and in good faith to assist and facilitate negotiation and shall make every reasonable effort to reach an agreement on the issues raised by the application.

Duties of
negotiators,
etc.

9.—(1) The Minister may, at any time, constitute one or more Issues Review Panels composed of such three persons as the Minister designates.

Constitution
of Issues
Review
Panel

(2) Where a negotiating committee has been constituted under section 8, the Minister shall constitute an Issues Review Panel, composed of such three persons as the Minister designates, in respect of that committee.

Idem

10.—(1) The Minister may, at any time, submit to an Issues Review Panel constituted under subsection 9 (1) a question for the advice of the Panel.

Submission
of question
to Panel

(2) The Minister, a chief negotiator or a negotiating committee may at any time submit to the Issues Review Panel constituted under subsection 9 (2) in respect of that negotiating committee a question for the advice of the Panel.

Idem

11.—(1) The chief negotiator shall,

Powers and
duties of
chief
negotiator

(a) act as chairman of the negotiating committee;

(b) prepare a negotiation timetable in the event that the negotiating committee is unable to agree on a timetable;

(c) prepare and submit to the Minister and to the clerk of each party municipality one or more reports as the chief negotiator considers appropriate setting out,

(i) the party municipalities in respect of each issue, if different from those determined by the Minister under section 4,

(ii) the extent of agreement or disagreement within the negotiating committee on the issues negotiated,

- (iii) any agreement which the negotiating committee wishes to recommend,
- (iv) the chief negotiator's recommendations to the Minister with respect to the further consideration of the application, and
- (v) such other matters as the chief negotiator considers appropriate.

Appointment
of members to
negotiating
committee by
new party
municipality

(2) Where the chief negotiator in a report sets out a municipality that is not represented on the negotiating committee as a party municipality, the council of that municipality shall appoint members to the negotiating committee in accordance with the direction of the Minister and subsection 6 (2) applies with necessary modifications.

Holding of
meetings

12.—(1) Upon receipt of a report of a chief negotiator under clause 11 (1) (c) that sets out an agreement mentioned in subclause (iii) of that clause, the council of each party municipality shall, and in all other cases, the council of each party municipality may,

- (a) hold one or more information meetings, which may be held jointly with any other party municipality, for the purpose of informing the public of the contents of the report; and
- (b) invite and consider at a meeting of council submissions and comments of the public in respect of the contents of the report; and
- (c) not later than ninety days following the receipt of the report of the chief negotiator, or such longer period as the Minister stipulates, inform the Minister in writing of the opinion of the council on each issue in respect of which the municipality is a party municipality.

Notice of
meetings

(2) Notice of an information meeting required under clause (1) (a) and of a meeting required under clause (1) (b) shall be given by publication in a newspaper having general circulation in the municipality at least fifteen days in advance of each meeting, and the meeting required under clause (1) (b) shall be held not sooner than fifteen days after the last information meeting required under clause (1) (a).

Powers of
Minister

13. After the expiration of the time for informing the Minister of the opinions of the councils of the party municipalities under section 12, the Minister may,

- (a) where agreement has been reached by the party municipalities, recommend to the Lieutenant Governor in Council the making of an order under section 14;
- (b) refer any issue not agreed upon to the negotiating committee or to the party municipalities for further consideration;
- (c) refer any issue not agreed upon to an Issues Review Panel for the advice of the Panel;
- (d) terminate further consideration of the application;
- (e) refer any issue to the Municipal Board to hear any party municipality, and after a hearing, to make recommendations thereon;
- (f) recommend to the Assembly legislation in respect of any of the issues raised by the application; or
- (g) take such other action as the Minister considers appropriate.

14. Subject to sections 17 and 18 but notwithstanding the provisions of any other general or special Act, the Lieutenant Governor in Council may by order, upon the recommendation of the Minister,

Order of
Lieutenant
Governor in
Council

- (a) give effect to agreements of party municipalities in respect of the resolution of an intermunicipal boundary issue or an intermunicipal boundary-related issue; or
- (b) where the Minister has referred one or more issues to the Municipal Board under clause 13 (e), give effect to or vary the recommendations of the Municipal Board,

and any such order may provide for one or more of the following:

1. The annexation of the whole or any part or parts of a party municipality to another party municipality.
2. The amalgamation of a party municipality with one or more party municipalities.
3. A requirement for joint approval by party municipalities of any subsequent application for an annexation or amalgamation.
4. The adoption by any party municipality of an official plan or amendments thereto or the passage of a

R.S.O. 1980,
c. 379

restricted area by-law or amendments thereto, but the plan or amendments thereto adopted or the by-law or amending by-laws passed are subject to the approval under the *Planning Act* of the Minister or of the Municipal Board, as the case may be.

5. A requirement for joint approval of any subsequent amendments to official plans or restricted area by-laws of any party municipality passed under the *Planning Act*.
6. The level or apportionment of expenditures incurred in respect of any joint municipal service or any service provided by a joint local board.
7. Special provision for the assessment of real property and the preparation of assessment rolls in respect of annexed or amalgamated areas.
8. The provision of any service by one party municipality or local board thereof to the whole or any part or parts of any other party municipality or local board thereof, the rates, prices and charges in respect of the service, the manner in which and upon what lands or rateable property the cost of the service is to be levied and raised and the manner in which and upon what lands or rateable property the liabilities in respect of service previously provided by any party municipality are to be discharged.
9. The continuation or otherwise of by-laws in annexed or amalgamated areas.
10. The requirement for and the methods of arbitration with respect to any issue.
11. The adjustment of assets and liabilities as between any party municipalities or local boards thereof, including unpaid taxes and the right to collect such taxes.
12. The creation, amalgamation and dissolution of any local boards of party municipalities and provision for the adjustment of assets and liabilities of such local boards.
13. The establishment of special areas within any party municipality that are to be subject to special rates and charges, including the adjustment of the rights, claims, liabilities and obligations of the ratepayers of any such areas and the extent to which the liabilities of any party

municipality shall be discharged by the imposition of rates upon the rateable property in such areas.

14. The payment of money or the transfer of real property from any party municipality or local board thereof to any other party municipality or local board thereof including the payment of compensating grants by any party municipality or local board thereof to any other party municipality or local board.
15. The composition and term of office of the council of any party municipality or of any local board thereof.
16. The division or redivision of any party municipality into wards.
17. The holding of elections in part or all of any party municipality, the qualifications of candidates and electors, the preparation of polling lists, the fixing of nomination day, the fixing of days for first meetings of councils and local boards and for such other matters as the Lieutenant Governor in Council considers necessary to provide for the effective administration of any party municipality or of any local board thereof.
18. The change in status of any party municipality.
19. The authority for any party municipality to use, acquire or service land located in another party municipality.
20. The deeming of agreements in respect of the matters mentioned in paragraphs 6, 8 and 14 to be matters within the meaning of subsection 149 (2) of the *Municipal Act*. R.S.O. 1980,
c. 302
21. The level at which payment may be made to a party municipality by any ministry under any program of that ministry.
22. The transitional protection of employees of party municipalities and local boards thereof.
23. Where the holder of an operating licence under the *Public Vehicles Act* is adversely affected, the payment of compensation by a party municipality to the holder of the licence in respect of such adverse effect. R.S.O. 1980,
c. 425

24. The exercise, or the withholding of the exercise, by any party municipality of its powers under any general or special Act.

Exemption
from
taxation not
affected

15. An order under section 14 does not affect any exemption or partial exemption from taxation or rates or provision therefor in any general or special Act.

Application of
R.S.O. 1980,
c. 31, s. 20

16. Section 20 of the *Assessment Act* applies to lands situated in any service area created under paragraph 8 or 13 of section 14 in respect of taxation or rates levied under or by virtue of an order made under section 14 as if the service area were the whole municipality.

Notice of
intention
to make
order

17.—(1) No order shall be made under section 14 until twenty-eight days after the Clerk of the Executive Council has given public notice by publication in a newspaper or newspapers having general circulation in the party municipalities of the intention to make the order.

Filing of
objection

(2) Any person may file notice of objection to the proposed issuance of an order with the Clerk of the Executive Council within the period of twenty-eight days, and the objection shall be in writing and give reasons therefor.

Where
objections
received

18. Where objections are received under subsection 17 (2), no order shall be made until the Lieutenant Governor in Council has done one or more of the following:

1. Referred any matter to which objection has been made to the party municipalities for consideration and to determine whether the intermunicipal agreement may be adjusted to meet the objection or objections.
2. Sought the advice of an Issues Review Panel with respect to one or more of the objections.
3. Appointed one or more hearing officers to hear any objections and, following a hearing under rules of procedure adopted by the hearing officer or officers, to make recommendations thereon.
4. Referred one or more objections to the Municipal Board to hear such objection or objections, and after a hearing, to make recommendations thereon.
5. Decided that the objection or objections is or are outweighed by the public interest.

19. Where in the opinion of the Minister an order made under section 14 does not fully carry out the intent and purpose that was intended, the Lieutenant Governor in Council may on the recommendation of the Minister, amend or revoke any such order and, unless the Lieutenant Governor in Council determines otherwise, section 17 does not apply to any such subsequent order. Rescinding, altering, etc., of order

20.—(1) The Lieutenant Governor in Council may, out of the moneys appropriated therefor by the Legislature, provide financial assistance to any party municipality in respect of the costs incurred by the municipality in carrying out studies related to the issue or issues raised by an application. Financial assistance

(2) The Minister may require that the party municipalities contribute to the costs incurred by the Province as the result of an application under section 2, including the costs of studies undertaken, in such proportion as the Minister considers appropriate. Contribution to costs

21. The Lieutenant Governor in Council, upon the recommendation of the Minister, may authorize all such acts or things not specifically provided for in this Act that in the Minister's opinion are necessary or advisable to carry out effectively the purposes or intent of this Act. General

22. Any power or duty conferred on the Minister by section 4, 7, 9 or 10 may be delegated by him in writing, subject to such limitations, conditions and requirements as the Minister may set out in his delegation, to the Deputy Minister of Municipal Affairs and Housing or to any officer of the Ministry of Municipal Affairs and Housing who may act for him in his place and stead, and when the Deputy Minister of Municipal Affairs and Housing or such officer acts in the place and stead of the Minister, it shall be presumed conclusively that he acted in accordance with such delegation. Delegation

23.—(1) Section 11 of the *Municipal Act*, being chapter 302 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor: R.S.O. 1980, c. 302, s. 11, re-enacted

11.—(1) Upon the application of an improvement district having a population of not less than 500, the Municipal Board may erect the improvement district into a village or a township. Erection of improvement district, as village or township

(2) Upon the application of an improvement district having a population of not less than 2,000, the Municipal Board may erect the improvement district into a town. as town

(3) Upon the application of a village or township having a population of not less than 2,000, the Municipal Board may erect the village or township into a town. Erection of village or township into town

Erection of
village,
town or
township into
a city

(4) Upon the application, authorized by the Minister,

(a) of a village or town located in a county and having a population of not less than 15,000; or

(b) of a township located in a county and having a population of not less than 25,000,

the Municipal Board may erect the village, town or township into a city.

Idem

(5) Upon the application,

(a) of a village or town not located in a county and having a population of not less than 15,000; or

(b) of a township not located in a county and having a population of not less than 25,000,

the Municipal Board may erect the village, town or township into a city.

Application
to be
authorized
by by-law

(6) An application by an improvement district, village, town or township under this section shall be authorized by by-law of the board of trustees of the improvement district or the council of the village, town or township, as the case may be, and notice of the application shall be published in such manner as the Municipal Board may direct.

Enlargement
of area of
city or
town to
be erected

(7) An application for the erection of a city or town under this section may include an application for the annexation of any locality that does not form part of any municipality and which adjoins the applicant municipality and, where the Municipal Board considers it desirable that the adjoining locality, or any greater or smaller area, be included in the city or town, the Municipal Board may annex the locality or any greater or smaller area to the city or town in the order erecting it.

Idem

(8) Where it is proposed that an adjoining locality be annexed to the city or town to be erected, the application for the erection shall so state and shall designate the locality to be annexed, and the provisions of section 14 shall apply with respect to the part of the application, and the order thereon, dealing with the proposed annexation.

R.S.O. 1980,
c. 302,
s. 12 (3),
amended

(2) Subsection 12 (3) of the said Act is amended by striking out "amalgamation or" in the fifth line and by striking out "14 (8), (11), (16) and (18)" in the sixth line and inserting in lieu thereof "14 (6), (7), (12) and (13)".

- (3) Section 14 of the said Act is repealed and the following substituted therefor: R.S.O. 1980,
c. 302,
s. 14,
re-enacted

14.—(1) In this section, “local board” means a local board as defined in the *Municipal Affairs Act*. Interpre-
tation
R.S.O. 1980,
c. 303

(2) Upon the application of any municipality authorized by by-law of the council thereof or upon the application of the Minister authorized by the Lieutenant Governor in Council, or upon the application of at least twenty-five inhabitants, being British subjects of the full age of eighteen years, the Municipal Board may by order on such terms as it may consider expedient, annex any locality that does not form part of any municipality to the municipality and any such order may annex a greater or smaller area or areas than the area or areas specified in the application. Annexations

(3) The Municipal Board, before proceeding with the application of the council of any municipality under subsection (2), may require that the by-law of the council shall receive the assent of the electors of such municipality. Assent of
electors

(4) The Municipal Board before making any order under subsection (2), shall hold a public hearing, after such notice thereof has been given as the Board may direct, for the purpose of inquiring into the merits of the application and of hearing any objections that any person may desire to bring to the attention of the Board. Public
hearing to
be held
by Board

(5) Where in a municipality affected by a proposed annexation an official plan approved under the *Planning Act* or a predecessor thereof is in effect and a by-law of a municipality is passed to authorize an application for an order of the Municipal Board under this section, and a certified copy of the by-law has been sent to the Minister of Municipal Affairs and Housing and to the planning board or planning boards having jurisdiction in any area affected by the application, the by-law shall not be deemed to be or be held invalid on the ground that it conflicts with the official plan. Effect of
official
plan
R.S.O. 1980,
c. 379

(6) The Municipal Board may order a division or redivision of a municipality into wards if, in the opinion of the Board, the annexation renders such division or redivision necessary or desirable. Division
into
wards

(7) The Municipal Board may, by any order made pursuant to an application under this section or by subsequent order or orders, Further
powers of
Municipal
Board

- (a) make all such adjustments of assets and liabilities as between the municipality and any local board affected by any such order as may be agreed upon or, in default of agreement, as the Board may consider equitable;
- (b) create, amalgamate or dissolve such local boards and make such adjustments of assets and liabilities of local boards as may be agreed upon or, in default of agreement, as the Board may consider equitable;
- (c) define special areas within the municipality as enlarged by such annexation having regard to the areas annexed thereto, and adjust the rights, claims, liabilities and obligations of the ratepayers of such areas and provide the extent to which the liabilities of such municipality shall be discharged by the imposition of rates upon the rateable property in such areas;
- (d) appoint one or more referees, who shall have all the powers mentioned in section 52 of the *Ontario Municipal Board Act*, to inquire into and report to the Board upon the adjustments of assets and liabilities and of rights, claims, liabilities and obligations referred to in clauses (a), (b) and (c), or any of them, the report to be filed with the Board within such time as the Board may from time to time allow, and the Board shall consider the report and may hear such representations with respect thereto as it may see fit and may adopt, vary or amend the report or refer it back to the referee or referees for further consideration, and the order of the Board adopting the report or varying or amending the report is final and conclusive and not open to question or appeal and is binding upon all municipalities and local boards affected thereby;
- (e) fix the remuneration and expenses of the referee or referees and declare by whom and in what manner the remuneration and expenses shall be paid;
- (f) subject to section 20, require the transfer of real property from any local board to the municipality or a local board thereof, and take any such transfer into consideration in the adjustments of assets and liabilities;
- (g) vest real property of any local board in the municipality or a local board thereof and take any such vesting into consideration in the adjustments of assets and liabilities;
- (h) make all such provisions for the composition of the council and any local boards, the fixing of days for

nominations, either before or subsequent to the day on which the annexation becomes effective, the appointment of returning officers, the holding of elections, the qualifications of candidates and electors, the preparation of first polling lists and assessment rolls, the fixing of days for first meetings of the council and any local boards, and for such other matters as it may consider necessary to provide for the effective administration of the enlarged municipality or of any local board thereof;

(i) direct the name that shall be borne by the enlarged municipality;

(j) where the holder of an operating licence under the *Public Vehicles Act* is adversely affected by the annexation,

R.S.O. 1980,
c. 425

(i) authorize the municipality to pay to the holder of the licence in respect of such adverse effect the amount of compensation agreed upon, or

(ii) direct what compensation, if any, shall be paid by the municipality to the holder of the licence in respect of such adverse effect;

(k) where by reason of any annexation order made under this section the taxable assessment of a locality as defined in the *Education Act* is reduced by not less than 15 per cent as shown by the last revised assessment roll prior to the effective date of such annexation, authorize and direct the payment to a school board thereof by the annexing municipality or a school board thereof, to relieve such school board from any undue burden by reason of the loss of such assessment, of compensating grants during a period of not more than five years after the effective date of the annexation in such amounts and manner as may be agreed upon between the municipality and the school boards and approved by the Municipal Board or, failing agreement, as the Municipal Board considers equitable;

R.S.O. 1980,
c. 129

(l) where by reason of annexation orders made under this section within any three-year period the taxable assessment of a locality as defined in the *Education Act* is reduced by not less than a total of 15 per cent as shown by the last revised assessment rolls prior to the effective date of each of such annexations, and no order has been made under clause (k), authorize and direct the payment to a school board therein by the annexing municipality or a school board thereof, to relieve such

school board from any undue burden by reason of the loss of such assessment, of compensating grants during a period of not more than five years after the effective date of the last annexation in such amounts and manner as may be agreed upon between the municipality and the school boards and approved by the Municipal Board or, failing agreement, as the Municipal Board considers equitable after a public hearing in each case;

(m) do or cause to be done all such other matters, acts, deeds and things as may be necessary or incidental to the carrying out of the annexation provided for in such order;

(n) after a public hearing, if the Board is of the opinion that the last revised assessment of an annexed area or any portion thereof is on a higher basis than the last revised assessment of the annexing municipality and is therefore not equitable therewith, direct what percentage of the rates for all purposes to be levied for taxation in the annexing municipality shall be levied in the annexed area or any portion thereof, provided that an order under this clause may be made only in respect of the rates to be levied in either the first or the first and second annual levies after the date of the annexation.

Urban
service
areas

(8) The Municipal Board may, by any order made pursuant to an application under this section or a predecessor thereof or by subsequent order or orders, define urban services and cost of urban services and establish and, after establishment, alter one or more urban service areas within the municipality as enlarged by an annexation and determine the manner in which and upon what lands or rateable property the cost of providing urban services is to be levied and raised by the municipality, and determine the manner in which and upon what lands or rateable property the liabilities, in respect of urban services of any annexed locality or area as it existed prior to the annexation, shall be discharged by the imposition of rates in an urban service area.

Effect of
order on
exemptions

(9) An order under subsection (8) does not affect any exemption or partial exemption from taxation or rates or provision therefor in any general or special Act.

Application of
R.S.O. 1980,
c. 31, s. 20

(10) Section 20 of the *Assessment Act* applies to lands situated in an urban service area with respect to taxation or rates levied under or by virtue of an order made under this subsection as if the urban service area were the whole municipality.

Determina-
tion of
compensating
grants by
Board

(11) Where compensating grants are to be determined by the Municipal Board under clause (7) (k), the determination shall not

be made until after one complete fiscal year of the municipality has elapsed following the date of the annexation.

(12) The Municipal Board may make such rules and regulations and issue such orders and directions in respect of any matter not specifically provided for in this section as it considers necessary or desirable in connection with any such annexation and every such rule, regulation, order and direction is valid and binding upon all municipalities and local boards interested in or affected thereby.

Municipal Board may make rules, etc.

(13) The powers conferred upon the Municipal Board by this section may be exercised at any time or times notwithstanding any other provision in this Act or any other special or general Act and, in the event of any conflict between the provisions of this section and the other provisions of this Act or any other special or general Act, the provisions of this section prevail.

Provisions of this section to prevail

(14) Section 94 of the *Ontario Municipal Board Act* does not apply to a decision of the Municipal Board providing for an annexation or refusing an application for an annexation and such decision,

Decision granting annexation
R.S.O. 1980, c. 347

(a) shall be in writing;

(b) shall identify the area to be annexed; and

(c) shall fix the date when the annexation shall be effective,

and a copy of the decision shall be sent by the secretary of the Board by registered mail to the clerk of every municipality, including every county, affected by the decision, and to such other persons as the Board may direct.

(15) No order shall be made under subsection (2) until the expiration of twenty-eight days after the mailing of the copies of the decision under subsection (14) and, within such period of twenty-eight days, notice of objection to the decision may be filed with the Clerk of the Executive Council.

Notice of objection

(16) For the purposes of subsection (15), the notice of objection means an objection in writing, giving reasons therefor, that, according to the certificate of the clerk of the municipality, is signed by not less than 10 per cent of the persons qualified to vote who are resident in,

Idem

(a) the municipality that has applied for the order; or

(b) the area that by the decision is to be annexed to the applicant municipality,

and includes, where there are no persons qualified to vote who are resident in the area to be annexed, an objection in writing, giving reasons therefor, authorized by resolution of a school board having jurisdiction in the locality in which such area is situated.

Withdrawal
of objection

(17) An objection filed under subsection (15) may be withdrawn by the filing with the Clerk of the Executive Council, at any time before the Lieutenant Governor in Council has made an order under subsection (18), of a notice in writing of such withdrawal signed by one-third or more of the objectors provided that the then remaining objectors constitute not more than 10 per cent of the persons who were entitled to sign the objection under subsection (16), or, where the objection was authorized by a school board, of a certified copy of a resolution repealing the authorizing resolution.

Powers of
Lieutenant
Governor in
Council

(18) Where an objection is filed in accordance with subsections (15) and (16) and is not withdrawn, the Lieutenant Governor in Council may by order,

- (a) confirm the decision of the Municipal Board; or
- (b) require the Municipal Board to hold a new public hearing of the annexation application before such members of the Board as the Lieutenant Governor in Council may designate.

Finality
of decision

(19) The decision of the Municipal Board,

- (a) where no objection is filed in accordance with subsections (15) and (16) or where the objections thereto are withdrawn in accordance with subsection (17); or
- (b) when confirmed by the Lieutenant Governor in Council; or
- (c) after a new public hearing ordered by the Lieutenant Governor in Council,

is final and not open to appeal, and the Board may thereupon make an order under subsection (2).

Application of
R.S.O. 1980,
c. 347, s. 95

(20) Nothing in this section affects the application of section 95 of the *Ontario Municipal Board Act*.

Adding
parts to
municipality
in a county
or another
territorial
district

(21) Where an area becomes part of a local municipality in a county or another territorial district, it thereafter forms part of that county or territorial district, except for the purpose of representation in the Assembly.

(22) When an order is made under subsection (2), it shall be registered as required by section 63 of the *Registry Act* as soon as practicable after the effective date of the order,

Registration
of order
under
R.S.O. 1980,
c. 445, s. 63

(a) where the order is made upon the application of the Minister, by the Minister; and

(b) where the order is made upon the application of a municipality, by the clerk of the municipality.

(4) Subsection 15 (3) of the said Act is amended by striking out "(19) to (25)" in the second line and inserting in lieu thereof "(14) to (20)".

R.S.O. 1980,
c. 302, s. 15
(3), amended

(5) Subsection 17 (2) of the said Act is repealed.

R.S.O. 1980,
c. 302, s. 17
(2), repealed

(6) Sections 18, 19, 20 and 21 of the said Act are repealed and the following substituted therefor:

R.S.O. 1980,
c. 302,
ss. 18-21,
re-enacted

18. Except where otherwise ordered by the Municipal Board, where a locality is annexed to a municipality, the by-laws of the municipality extend to the locality and any by-laws then in force in the locality cease to apply to it.

By-laws in
force in
annexed
territory

19.—(1) Where,

Assets,
etc., on
erections

(a) an improvement district is erected into a village, township or town;

(b) a village or township is erected into a town; or

(c) a village, town or township is erected into a city,

all the assets and liabilities of the former municipality and its local boards are assets and liabilities of the new municipality and its local boards, and the new municipality and its local boards for all purposes stand in the place and stead of the former municipality and its local boards.

(2) Without limiting the generality of subsection (1), the new municipality has the same rights and powers as respects the collection and recovery of all unpaid taxes imposed by the former municipality, including those for the year in which the erection takes place, as if such taxes had been imposed by the new municipality.

Idem

20. Unless otherwise ordered by the Municipal Board, where a township is separated from a union of townships, the real property belonging to the union of townships and situated in the separated township belongs to and is vested in the separated

Disposition
of real
property on
separation
from
union of
townships

township and the remainder of the real property is the property of the remainder of the union.

Unpaid
taxes

21.—(1) Except where otherwise provided by the Municipal Board, where a locality is incorporated as an improvement district, township, village or town, any taxes that are unpaid at the time the incorporation takes effect belong to the newly incorporated municipality and may be collected and recovered by it as if they had been imposed by it.

Idem

(2) The unpaid taxes, the right to collect and recover which is transferred to the newly incorporated municipality under subsection (1), shall be taken into consideration upon the adjustment of assets and liabilities consequent upon the incorporation.

R.S.O. 1980,
c. 302, s. 22
(2), repealed

(7) Subsection 22 (2) of the said Act is repealed.

Transitional

24.—(1) Notwithstanding subsection 23 (3) of this Act, where the Municipal Board has, on or before the day this Act comes into force, received an application under section 14 of the *Municipal Act*, the Board shall hear and determine the subject-matter of the application and section 14 of the *Municipal Act* as it existed on the day before the day this Act comes into force continues to apply but unless the Board has made an order finally determining the matter within two years of the day this Act comes into force, the application shall be deemed to have been withdrawn.

R.S.O. 1980,
c. 302

Idem

(2) Notwithstanding subsections 23 (5), (6) and (7) of this Act, subsection 17 (2), sections 18, 19, 20 and 21 and subsection 22 (2) of the *Municipal Act*, as they existed on the day before this Act comes into force, continue to apply to annexations or amalgamations provided for by statute or Municipal Board order.

Commence-
ment

25. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

26. The short title of this Act is the *Municipal Boundary Negotiations Act, 1981*.

CHAPTER 71

An Act to amend the Public Commercial Vehicles Act

Assented to December 18th, 1981

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of the *Public Commercial Vehicles Act*, being chapter 407 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clause: s. 1,
amended

(aa) "certificate of intercorporate exemption" means a certificate issued under section 4a.

- 2.—(1) Subsection 2 (2) of the said Act is amended by striking out "or" at the end of clause (d) and by adding thereto the following clauses: s. 2 (2),
amended

(f) livestock, feed, seed, fertilizer, farm produce other than poultry or milk, or supplies for use in the operation and maintenance of farms, while being transported in a commercial motor vehicle that is equipped with not more than two axles and does not draw a trailer;

(g) wheat by a person appointed to act as agent for the Ontario Wheat Producers' Marketing Board where the wheat is being transported from the agent's premises in a commercial vehicle registered in his name; or

- (2) The said subsection 2 (2) is further amended by adding thereto the following clause: s. 2 (2),
amended

(h) goods in accordance with a certificate of intercorporate exemption.

3. The said Act is amended by adding thereto the following sections: ss. 4a, 4b,
enacted

4a.—(1) Upon receiving an application therefor together with the prescribed fee, the Minister shall issue a certificate of intercorporate exemption to the applicant. Issuance of
certificate of
intercorporate
exemption

(2) Notwithstanding subsection (1), a certificate of intercorporate exemption shall not be issued, Exception

- (a) to the holder of an operating licence or freight forwarder's licence issued under this Act; or
- (b) to a corporation that does not show on the application an affiliated corporation,

and the certificate shall not name therein an affiliated corporation that holds such an operating licence or freight forwarder's licence.

Terms
imposed by
Minister

(3) The Minister may, in a certificate issued by him under this section, set out terms to govern the transportation of goods under the certificate.

Effect of
certificate

(4) The holder of a certificate of intercorporate exemption and all affiliated corporations named in the certificate may operate commercial vehicles on highways for the transportation for compensation of goods owned by any of them.

Renewal

(5) A certificate of intercorporate exemption shall be renewed by the Minister upon his being satisfied that the corporations named therein continue to be affiliated to the holder of the certificate.

Cancellation,
etc., of
certificate

(6) Subject to section 23, the Minister may amend or cancel a certificate of intercorporate exemption where the Minister, on reasonable grounds, believes that a corporation named in the certificate is not affiliated to the holder of the certificate.

Idem

(7) Subject to section 23, the Minister may suspend or cancel a certificate of intercorporate exemption,

- (a) where the conduct of the holder thereof, of an affiliated corporation named therein, or of its officers or directors, or where the holder is a corporation, of its officers or directors, affords reasonable grounds for believing that the transportation service will not be operated in accordance with the law and with honesty and integrity; or
- (b) where the holder thereof, or any person under its control or direction or of an affiliated corporation named therein or any person under its control or direction contravenes this Act or the regulations or the *Highway Traffic Act* or the regulations thereunder or the terms of the certificate and such contravention affords reasonable grounds for believing that the transportation services permitted by the certificate will not be carried on in accordance with the law.

R.S.O. 1980,
c. 198

Affiliated
corporations

(8) A corporation shall be deemed to be an affiliate of another corporation if one of them is the subsidiary of the other or if both are subsidiaries of the same corporation or if each of them is controlled by the same person or corporation.

(9) A corporation shall be deemed to be controlled by another person or corporation or by two or more corporations if, Control of corporation

(a) voting securities of the first-mentioned corporation carrying more than 90 per cent of the votes for the election of directors are held, otherwise than by way of security only, by or for the benefit of the other person or corporation or by or for the benefit of the other corporations; and

(b) the votes carried by such securities are entitled, if exercised, to elect all members of the board of directors of the first-mentioned corporation.

(10) A corporation shall be deemed to be a subsidiary of another corporation if, Subsidiary corporation

(a) it is controlled by,

(i) the other corporation,

(ii) the other corporation and one or more corporations each of which is controlled by that other corporation, or

(iii) two or more corporations each of which is controlled by the other corporation; or

(b) it is a subsidiary of a corporation that is the other corporation's subsidiary.

4b.—(1) Where a certificate of intercorporate exemption has been issued the holder thereof shall notify the Minister within six days after any change in ownership of the affiliated corporation or corporations that would affect his eligibility to hold the certificate or of the corporation or corporations to be named thereon. Notification of change

(2) Every person who contravenes subsection (1) is guilty of an offence and on conviction is liable to a fine of not less than \$500 and not more than \$5,000. Offence

4. Section 6 of the said Act is amended by adding thereto the following subsections: s. 6, amended

(8) Every operating licence issued by the Minister under this section, every certificate issued by the Board under section 7 and every certificate issued before the 17th day of October, 1955, by the Ontario Municipal Board under this Act that authorizes the transportation of, Effect of operating licence

(a) milk from a specific farm or from specific farms, of which the milk is the product, to a specific destination point; or

(b) milk and cream for The Ontario Milk Marketing Board,

shall be deemed to authorize the transportation of milk as directed by The Ontario Milk Marketing Board and, notwithstanding any terms of the licence or certificate, shall not apply to authorize the transportation of milk from a specific farm or farms to a specific destination point or the transportation of cream for The Ontario Milk Marketing Board.

Idem

(9) Every operating licence authorizes the holder thereof to transport bulk fertilizer to or from any point within Ontario during the months of April, May and June in a commercial vehicle, that is not a tank truck or tank trailer, bearing a licence plate issued to him.

Interpretation
R.S.O. 1980,
c. 266

(10) In subsection (8), milk means milk as defined in the *Milk Act*.

s. 7 (4),
re-enacted

5. Subsection 7 (4) of the said Act is repealed and the following substituted therefor:

Meaning of
public
necessity
and
convenience
for purposes
of subs. (1)

(4) Where the application referred to in subsection (1) is for an operating licence for only the transportation of goods through the Province of Ontario, public necessity and convenience shall be deemed to have been established for the purpose of that subsection upon the applicant filing with the Board evidence satisfactory to the Board that the applicant holds appropriate operating licences issued by the jurisdictions where the transportation by the applicant will originate and terminate.

s. 10a,
enacted

6. The said Act is further amended by adding thereto the following section:

10a.—(1) The Minister may at any time refer an operating licence to the Board where, in the opinion of the Minister, any part is ambiguous or the rights granted by the licence are uncertain and the Board may, after a hearing of the reference as required by the *Ontario Highway Transport Board Act*, amend the certificate pursuant to which the licence was issued to resolve any ambiguity or uncertainty or where the licence has been issued pursuant to more than one certificate, issue a new certificate as set out in subsection (2), and the licence shall be amended accordingly, effective on the fifth day after the day notice of the amendment is mailed by registered mail addressed to the licensee at his last known address.

R.S.O. 1980,
c. 338

(2) Where a licence to which subsection (1) applies has been issued pursuant to more than one certificate, the Board may, when it considers the combined effect of the certificates to result in ambiguity or uncertainty, issue a certificate consolidating all the related certificates and incorporating such amendments as the Board considers necessary to resolve any ambiguity or uncertainty.

Idem

7. Subsection 14 (2) of the said Act is repealed and the following substituted therefor: s. 14 (2),
re-enacted

(2) Except as provided in the regulations, the holder of an operating licence is not entitled to hold more vehicle licences than he has commercial vehicles registered in his name or leased in accordance with this Act and the regulations.

Limit on
vehicle
licences

8. Subsection 15 (2) of the said Act is repealed and the following substituted therefor: s. 15 (2),
re-enacted

(2) A vehicle licence expires at the end of the last day of the period for which it was issued or, where the period is extended by regulation, on the last day of the extended period.

Expiry of
vehicle
licence

- 9.—(1) Subsection 23 (1) of the said Act is amended by adding thereto the following clause: s. 23 (1),
amended

(aa) to amend, suspend or cancel a certificate of intercorporate exemption.

- (2) The said subsection 23 (1) is further amended by inserting after "licensee" in the ninth line "or holder of a certificate of intercorporate exemption". s. 23 (1),
amended

- (3) Clause 23 (2) (a) of the said Act is repealed and the following substituted therefor: s. 23 (2) (a),
re-enacted

(a) does not give notice in accordance with subsection (1) requiring a hearing by the Board, the Minister may forthwith carry out his proposal; or

- (4) Subsection 23 (8) of the said Act is repealed and the following substituted therefor: s. 23 (8),
re-enacted

(8) The Board shall, after a hearing under this section, make a report to the Minister, which shall set out its findings of fact and conclusions of law and its recommendations as to the issuance, amendment, suspension or cancellation of the licence or certificate of intercorporate exemption to which it relates. Report to
Minister

s. 23,
amended

- (5) The said section 23 is amended by adding thereto the following subsection:

Interpre-
tation

- (10) In this section "licensee" includes a holder of a certificate of intercorporate exemption.

s. 27 (4),
amended

- 10.** Subsection 27 (4) of the said Act is amended by adding at the beginning thereof "Except as provided in the regulations".

s. 31a,
enacted

- 11.** The said Act is further amended by adding thereto the following section:

Certificate
and
documents
to be carried

31a. Every driver of a commercial vehicle that is being operated under a certificate of intercorporate exemption shall carry or keep in a readily accessible place in the vehicle,

(a) the certificate or a copy thereof; and

(b) a shipping document signed by the consignor showing the name of the consignor, the name and address of the consignee, the originating point and destination of the shipment and the particulars of the goods comprising the shipment,

and shall produce them on the demand of a member of the Ontario Provincial Police Force or an officer of the Ministry.

s. 32 (3),
amended

- 12.** Subsection 32 (3) of the said Act is amended by adding thereto the following clause:

(ba) a copy of the certificate of intercorporate exemption.

s. 33 (1),
amended

- 13.—(1)** Subsection 33 (1) of the said Act is amended by inserting after "forwarder" in the fifth line "or the holder of a certificate of intercorporate exemption or of an affiliated corporation named in such certificate relating to the transportation of goods for compensation".

s. 33 (6),
re-enacted

- (2) Subsection 33 (6) of the said Act is repealed and the following substituted therefor:

Removal of
documents

(6) Any person conducting an examination or investigation under section 32 or under this section may,

(a) in the case of an examination under section 32, make a copy of any document produced or obtained; or

(b) in the case of an examination or investigation under this section, upon giving a receipt therefor, remove any

thing that may be examined under subsection 33 (1), clause 33 (3) (a) or subsection 33 (5) for the purpose of making copies thereof,

but the copying shall be made with dispatch and the thing copied shall be promptly returned.

- (3) Subsection 33 (7) of the said Act is amended by inserting after "the" where it occurs the second time in the second line "examination or". s. 33 (7),
amended

14. The said Act is further amended by adding thereto the following section: s. 35a,
enacted

35a. The holder of an operating licence may be charged with and convicted of an offence under this Act or the regulations for which the driver of his public commercial vehicle is subject to be charged and on conviction the said holder is liable to the penalty prescribed for the offence. Licence
holder
liable for
penalties

- 15.—(1) Subsection 37 (1) of the said Act is amended by adding thereto the following paragraph: s. 37 (1),
amended

4a. prescribing or extending the period of time during which vehicle licences shall be in force.

- (2) Paragraph 15 of the said subsection 37 (1) is repealed and the following substituted therefor: s. 37 (1),
par. 15,
re-enacted

15. providing for the holding of more vehicle licences by the holder of any class of operating licence than the licensee has commercial vehicles registered in his name or leased in accordance with this Act and the regulations and prescribing terms and conditions with respect thereto.

- (3) The said subsection 37 (1) is further amended by adding thereto the following paragraphs: s. 37 (1),
amended

29. prescribing the forms of certificates of intercorporate exemption and of applications related thereto;

30. governing the issue and renewal of certificates of intercorporate exemption and prescribing terms to which the certificates shall be subject;

31. prescribing the period of time during which certificates of intercorporate exemption shall be in force.

- (4) Section 37 of the said Act is amended by adding thereto the following subsection: s. 37,
amended

Exempting
regulations

(3) Where this Act imposes a requirement concerning the issuing, carrying, producing or retaining of any information in a written form, the Lieutenant Governor in Council may make regulations exempting any person or class of persons from any such requirement and prescribing the procedure to be followed to qualify for an exemption.

Commence-
ment

16.—(1) This Act, except section 1, subsection 2 (2), sections 3, 9, 11 and 12, and subsections 13 (1) and 15 (3), comes into force on the day it receives Royal Assent.

Idem

(2) Section 1, subsection 2 (2), sections 3, 9, 11 and 12, and subsections 13 (1) and 15 (3) come into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

17. The short title of this Act is the *Public Commercial Vehicles Amendment Act, 1981*.

CHAPTER 72

An Act to amend the Highway Traffic Act

Assented to December 18th, 1981

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The *Highway Traffic Act*, being chapter 198 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section:

30a.—(1) A police officer, readily identifiable as such, may require the driver of a motor vehicle to stop for the purpose of determining whether or not there is evidence to justify making a demand under section 234.1 of the *Criminal Code* (Canada). Spot
Checks

R.S.C. 1970,
c. C-34

(2) Where, upon demand of a police officer made under section 234.1 of the *Criminal Code* (Canada), a person provides a sample of his breath which, on analysis by an approved roadside screening device as defined in that section, registers "Warn", the police officer may request the person to surrender his driver's licence. Licence
suspension:
roadside
test
R.S.C. 1970,
c. C-34

(3) Where, upon demand of a police officer made under subsection 235 (1) of the *Criminal Code* (Canada), a person provides a sample of his breath which, on analysis by an instrument approved as suitable for the purposes of section 237 of the *Criminal Code* (Canada), indicates that the proportion of alcohol in his blood is 50 milligrams or more of alcohol in 100 millilitres of blood, a police officer may request the person to surrender his driver's licence. Idem:
breathalyzer
test

(4) Where a person is charged with an offence under section 234.1 or 235 of the *Criminal Code* (Canada) or any procedure is taken pending the laying of such charge to assure the person's attendance in court on the charge, a police officer may request the person to surrender his driver's licence. Refusal
to supply
a breath
sample

(5) Upon a request being made under subsection (2), (3) or (4), the person to whom the request is made shall forthwith surrender his driver's licence to the police officer and, whether or not the Surrender
of licence
and
suspension
for twelve
hours

person is unable or fails to surrender his licence to the police officer, his licence is suspended and invalid for any purpose for a period of twelve hours from the time the request is made.

Other
charges

(6) The suspension of a driver's licence under this section is in addition to and not in substitution for any proceeding or penalty arising from the same circumstances.

Second
analysis

(7) Where an analysis of the breath of a person is made under subsection (2) and registers "Warn", the person may require a further analysis to be performed in the manner provided in subsection (3), in which case the result obtained on the second analysis governs and any suspension resulting from an analysis under subsection (2) continues or terminates accordingly.

Calibration
of roadside
screening
device

(8) For the purposes of subsection (2), the roadside screening device shall not be calibrated to register "Warn" when the proportion of alcohol in the blood of the person whose breath is being analyzed is less than 50 milligrams of alcohol in 100 millilitres of blood.

Idem

(9) It shall be presumed, in the absence of proof to the contrary, that any roadside screening device used for the purposes of subsection (2) has been calibrated as required under subsection (8).

Records

(10) Where the licence of a person is suspended under this section, the police officer who requested the surrender of the licence under subsection (2), (3) or (4) shall,

- (a) keep a written record of the licence suspended with the name and address of the person and the date and time of the suspension; and
- (b) provide the person with a written statement of the time from which the suspension takes effect, the length of the period during which his licence is suspended, the place where the licence may be recovered upon the termination of the suspension and acknowledging receipt of the licence that is surrendered.

Removal
of vehicle

(11) Where the licence of a person is suspended under this section, if the motor vehicle is in a location from which, in the opinion of a police officer, it should be removed, and there is no person with a licence easily available to remove the motor vehicle with the consent of the person whose licence is suspended, the police officer may remove and store the motor vehicle or cause it to be removed and stored and shall notify the person of its location.

Costs of
moving and
storage

(12) Where a police officer obtains assistance for the removal and storage of a motor vehicle under subsection (11), the costs and charges incurred in moving or storing the vehicle, or both,

are a lien on the vehicle that may be enforced under the *Mechanics' Lien Act* by the person who moved or stored the vehicle at the request of the police officer. R.S.O. 1980.
c. 261

2. The said Act is further amended by adding thereto the following section: s. 189a,
enacted

189a.—(1) A police officer, in the lawful execution of his duties and responsibilities, may require the driver of a motor vehicle to stop and the driver of a motor vehicle, when signalled or requested to stop by a police officer who is readily identifiable as such, shall immediately come to a safe stop. Power of
police
officer
to stop
vehicle

(2) Every person who contravenes subsection (1) is guilty of an offence and on conviction is liable to a fine of not less than \$100 and not more than \$2,000 or to imprisonment for a term of not more than six months, or to both. Offence

(3) Where a person is convicted of an offence under subsection (2) and the court is satisfied on the evidence that the person wilfully continued to avoid police while a police officer gave pursuit, the court shall make an order suspending the driver's licence of that person for a period of three years, and the suspension shall be in addition to any other period for which the licence is suspended and consecutively thereto. Escape
by flight

(4) In a proceeding for a contravention of subsection (1) in which the circumstances set out in subsection (3) are alleged and before the court accepts the plea of the defendant, the clerk or registrar of the court shall orally give notice to such person in the following form or to the like effect: Notice of
suspension

"The Highway Traffic Act provides that upon conviction of the offence with which you are charged, in the circumstances indicated therein, your driver's licence shall be suspended for three years."

(5) The suspension of a driver's licence under this section shall not be held to be invalid by reason of failure to give the notice provided for in subsection (4). Idem

(6) An appeal may be taken from an order of suspension under subsection (3) or a decision to not make the order in the same manner as from a conviction or an acquittal under subsection (2). Appeal of
suspension

(7) Where an appeal is taken from an order for suspension under subsection (6), the court being appealed to may direct that the order being appealed from shall be stayed pending the final disposition of the appeal or until otherwise ordered by that court. Stay of
order on
appeal

s. 190 (2),
amended

3. Subsection 190 (2) of the said Act as amended by the Statutes of Ontario, 1981, chapter 48, section 20, is further amended by inserting after "174 (1) (a)" in the fifth line "or subsection 189a (1)".

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. The short title of this Act is the *Highway Traffic Amendment Act, 1981 (No. 3)*.

CHAPTER 73

An Act to amend the Municipality of Metropolitan Toronto Act

Assented to December 18th, 1981

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 215 (5) of the *Municipality of Metropolitan Toronto Act*, being chapter 314 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor: s. 215 (5),
re-enacted

(5) If any of the lands vested by this section in the Metropolitan Corporation and any land comprising Toronto Islands, that is hereafter conveyed by The Toronto Harbour Commissioners to the Metropolitan Corporation, ceases to be used for any of the purposes of section 206, the Metropolitan Corporation shall thereupon transfer the land to the City of Toronto and no compensation or damages shall be payable to the Metropolitan Corporation in respect thereof, but this subsection does not apply to any land as long as it is the subject of the lease and assignment under subsection 215a(1) or 215b(1). Lands not
used for
park
purposes

2. The said Act is amended by adding thereto the following sections: ss. 215a-215c,
enacted

215a.—(1) Notwithstanding subsection 215 (1), all the right, title and interest of the Metropolitan Corporation, existing on the day this section comes into force or acquired thereafter, in the lands and structures, avenues and vacant lands on Algonquin Island and Ward's Island in the City of Toronto that are described in the Schedule hereto is hereby deemed to have been leased and assigned by the Metropolitan Corporation to the City of Toronto, from the day this section comes into force until the 31st day of July, 2005 and the City of Toronto may lease the lands and structures to occupants for residential purposes until the 31st day of July, 2005. Lease and
assignment of
residential
lands

(2) The rent under the lease and assignment referred to in subsection (1) shall be at amounts, paid annually, equal to the market value rent and calculated as though the lands could legally be built upon and used for the purpose of the structures thereon Rent

and having regard to the level of services supplied to the lands on the 9th day of December, 1981 and the duration of the term of the lease and assignment, but for the purpose of calculating the market value rent, no consideration shall be given to either the value of improvements made to the structures after the 31st day of August, 1975 or the provision of further services to the lands after the 9th day of December, 1981.

Idem

(3) The rent referred to in subsection (2) shall be calculated and agreed upon initially for a five-year period beginning on the day this section comes into force and shall be recalculated and agreed upon at five-year intervals thereafter and if the Metropolitan Corporation and the City of Toronto are unable to agree on the initial rent or recalculated rent within sixty days of the coming into force of this Act or the expiration of any five-year period, as the case may be, the rent shall be determined by arbitration in accordance with subsection (2).

Avenues and
vacant lands

(4) Notwithstanding subsections (2) and (3), the rent with respect to all of the avenues and vacant lands under the lease and assignment referred to in subsection (1) shall be \$1 per year and the vacant lands shall be used only for parks and recreational purposes and no buildings or structures shall be erected on the vacant lands.

Taxes and
public utility
rates

(5) Notwithstanding any general or special Act, the Metropolitan Corporation shall not be liable for any outstanding arrears of taxes or public utilities rates with respect to the lands referred to in subsection (1) of this section or subsection 215b(1) that accrued prior to the day this section comes into force or for taxes or public utilities rates that are imposed or that accrue during the period that the lands are the subject of the lease and assignment under subsection (1) of this section or subsection 215b(1).

Leases,
etc., void
R.S.O. 1980,
c. 232

(6) All leases, including any tenancy agreement within the meaning of Part IV of the *Landlord and Tenant Act*, licences of occupation and land use permits entered into, with respect to the lands referred to in subsection (1),

(a) before the 31st day of August, 1975 are hereby confirmed to be void as of that day; and

(b) on or after the 31st day of August, 1975 and before the day this section comes into force are hereby declared to be void,

but this subsection does not affect the interest of the City of Toronto under an agreement dated the 26th day of December, 1911 with The Toronto Harbour Commissioners.

(7) All rights of the Metropolitan Corporation to possession of the lands referred to in subsection (1) of this section and in subsection 215 *b* (1), under the writs of possession referred to in *The Toronto Islands Act, 1980*, are assigned to the City of Toronto and when an occupant enters into a lease under this section with respect to particular lands and structures, the writ of possession for those particular lands and structures shall cease to have effect.

Assignment
of rights

1980, c. 60

(8) An occupant may apply to the City of Toronto for a lease of the lands and structures in which the occupant resided or in respect of which the occupant had a leasehold interest, and the City of Toronto may offer a lease of those lands and structures for a term not exceeding three years, to be used during the term of the lease or any renewal thereof as the principal residence of the occupant, and the lease shall be subject to terms and conditions, including rights of renewal for further terms not exceeding three years, rent and compliance with housing standards, set by the City of Toronto, but if the parties fail to agree on the amount of the rent, the rent shall be determined by arbitration, having regard to the rent to be paid by the City of Toronto to the Metropolitan Corporation under the lease and assignment referred to in subsection (1) and having regard to the costs of the City of Toronto related to the lands and structures that are the subject of the lease to the occupant.

Leases to
occupants

(9) Where more than one occupant applies under subsection (8) for a lease of the same lands and structures and the City of Toronto and the occupants are unable to agree as to the occupant who is entitled to enter into a lease with the City of Toronto, and,

Priority
as between
classes of
occupants

- (a) only one of the applicants is an occupant, as defined in clause (19) (a), of the lands and structures that are the subject-matter of the application, that applicant shall be the occupant entitled to enter into the lease with the City of Toronto;
- (b) more than one of the applicants is an occupant, as defined in clause (19) (a), of the lands and structures that are the subject-matter of the application, the decision as to which of such occupants is the occupant entitled to enter into the lease shall be determined by the City of Toronto, having regard to the age of the occupant, his length of residence on the lands referred to in subsection (1) and any other factors considered relevant by the City of Toronto; or
- (c) none of the applicants is an occupant entitled to a lease under clause (a) or (b), the decision as to who is the occupant, as defined in clause (19) (b), entitled to enter into the lease shall be determined by the City of

Toronto, having regard to the age of the occupant, his length of residence on the lands referred to in subsection (1) and any other factors considered relevant by the City of Toronto.

Payment of
arrears of
rent, taxes
and public
utility rates

(10) As a condition of,

(a) the execution of a lease under subsection (8) or (13), the occupant shall pay,

(i) to the Metropolitan Corporation all taxes and public utilities rates paid by the Metropolitan Corporation to the City of Toronto before the day this Act comes into force, and all outstanding arrears of rent and occupation rent, and

(ii) to the City of Toronto all outstanding arrears of taxes and public utilities rates,

attributable to the lands and structures which are the subject-matter of the lease between the occupant and the City of Toronto, together with interest thereon at the maximum rate provided for under a by-law passed under the *Municipal Act* in respect of taxes due and unpaid; and

R.S.O. 1980,
c. 302

(b) the renewal of a lease under subsection (8) or (13), the occupant shall make a declaration as of the date of the renewal that the occupant is using the leased lands and structures as his principal residence and the City of Toronto shall cause a copy of the declaration to be filed with the clerk of the Metropolitan Corporation.

Assignments,
subleases, etc.,
prohibited

(11) Notwithstanding any general or special Act, no occupant may grant an assignment, sublease or licence of occupation with respect to any lands and structures leased to the occupant under this section and where an occupant purports to grant an assignment, sublease or licence of occupation, the grant is void and of no effect.

Deemed
termination

(12) Where the occupant or, following the death of an occupant during the term of a lease under subsection (8) or (13) or a renewal thereof, the occupant's spouse, as defined in section 14 of the *Family Law Reform Act*, ceases to occupy the lands and structures that are the subject-matter of a lease entered into with the City of Toronto as his principal residence, the lease between the occupant and the City of Toronto shall be deemed to be terminated and the City of Toronto may then lease the premises to another occupant under subsection (8) and, where more than one occupant applies for a lease of the same lands and structures, subsection (9) applies with necessary modifications.

R.S.O. 1980,
c. 152

(13) Where no occupant applies for a lease under subsection (8) by the 1st day of July, 1982 or requests a lease from the City of Toronto within thirty days of the termination of a lease under subsection (12), the City of Toronto,

Leases to
other persons

- (a) if the residential structure complies with the minimum standards by-law of the City of Toronto or if the City brings the structure into compliance with the by-law, may lease the lands and structure to another person, who shall be deemed to be an occupant for the purpose of this section; or
- (b) if the residential structure does not comply with the minimum standards by-law of the City of Toronto and the City is unwilling to bring the structure into compliance with the by-law, shall remove or demolish such structure and shall offer to lease the lands to the Algonquin Island Residents Association or the Ward's Island Residents Association, as may be appropriate, for social and recreational purposes,

upon such terms and conditions as may be agreed upon and failing agreement by arbitration.

(14) The Metropolitan Corporation, the City of Toronto and the Toronto Transit Commission shall maintain the level of municipal services, including bus and ferry service, prevailing in the year 1980, to the lands referred to in subsection (1) of this section and subsection 215b (1), but, if a different level of services is provided by the City of Toronto in the city from time to time, such different level of services may be provided.

Municipal
services

(15) The passenger fare charged for ferry service during a winter season shall not exceed the fare prevailing for ferry service throughout the immediately preceding summer season except with the consent of the City of Toronto and, in this subsection,

Fare
structure

- (a) "summer season" means the period from the 1st day of May in any year to the 30th day of August in that year;
- (b) "winter season" means the period from the 1st day of September in any year to the 30th day of April in the next following year.

(16) The Metropolitan Corporation shall, at the cost of the City of Toronto, extend the sanitary sewer system on the Toronto Islands to serve the lands referred to in subsection (1) of this section and subsection 215b (1) and the City of Toronto shall construct and maintain sanitary sewers and may maintain, alter

Sanitary
sewers

and extend the existing walkway, water supply and street lighting systems within the lands.

Payment
for services

(17) The City of Toronto shall pay to the Metropolitan Corporation annually such amount for expenditures made, including capital costs, or deficits incurred by the Metropolitan Corporation on or after the day this section comes into force with respect to the provision of municipal services, including bus, ferry and sewer service, by the Metropolitan Corporation to the lands referred to in subsection (1) of this section and subsection 215*b* (1) as may be agreed upon by the Metropolitan Corporation and the City of Toronto, having regard to the degree to which such expenditures or deficits are attributable to the use of the lands and structures referred to in the said subsections, and having regard to the duration of the term of the lease and assignment under the said subsections, or, failing such agreement, as determined by arbitration.

Application of
R.S.O. 1980,
cc. 232, 452

(18) Parts I, II and III of the *Landlord and Tenant Act* apply to every lease entered into under this section and the *Residential Tenancies Act* and section 2 and Part IV of the *Landlord and Tenant Act* do not apply thereto but the City of Toronto shall not distrain for default in the payment of rent.

Interpretation

(19) In this section, "occupant" means,

- (a) a person who on or before the 9th day of December, 1981 attained the age of majority and who at any time between the 19th day of October, 1978 and the 9th day of December, 1981 was ordinarily resident on Algonquin Island or Ward's Island in the City of Toronto;
- (b) a person who on or before the 19th day of October, 1978 attained the age of majority and who on that day had a claim in land on Algonquin Island or Ward's Island in the City of Toronto under a lease which existed on the 1st day of January, 1956 or a renewal or extension thereof unless prior to the coming into force of this section the person sold his interest in the land to which the claim relates.

Arbitration
R.S.O. 1980,
c. 25

(20) The *Arbitrations Act* applies, with necessary modifications, to an arbitration under this section and section 215*b* and the arbitration shall be before a single arbitrator.

Housing
standards

(21) The Metropolitan Corporation is not required to meet housing standards imposed under any Act with respect to any structure that is the subject-matter of a lease under this section or under section 215*b* and is not responsible for the repair or replacement of any such structure.

215b.—(1) The Metropolitan Corporation is hereby deemed to have leased and assigned to the City of Toronto, from the day this section comes into force, until the 31st day of July, 2005, the lands and structures on Algonquin Island and Ward's Island being occupied and used by the associations known as the Algonquin Island Residents Association and the Ward's Island Residents Association on the 19th day of October, 1979 for recreational and social purposes, at an amount equal to their market value rent, having regard for the duration of the term of the lease and assignment and for the recreational and social purposes for which the lands are to be used, as agreed upon by the Metropolitan Corporation and the City of Toronto or, failing such agreement, as determined by arbitration.

Lease and assignment of lands used for recreational and social purposes

(2) The City of Toronto shall offer a lease of the lands and structures referred to in subsection (1) to the associations known as the Algonquin Island Residents Association and the Ward's Island Residents Association, to be used during the term of the lease for recreational and social purposes, and the lease shall be subject to terms and conditions, including rent, set by the City of Toronto, but if the parties fail to agree on the amount of the rent, the rent shall be determined by arbitration, having regard to the rent to be paid by the City of Toronto to the Metropolitan Corporation under the lease referred to in subsection (1) and having regard to the costs of the City of Toronto related to the lands and structures that are the subject-matter of the lease to the association.

Leases to residents associations

(3) The associations shall not grant an assignment or sublease with respect to any lands leased under subsection (2), and any such grant is void and of no effect.

Assignments and subleases prohibited

(4) In addition to the uses permitted by subsection (1), the City of Toronto may, by by-law, permit the structure occupied by the Ward's Island Residents Association to be used for the location and use therein of a convenience store, subject to such terms and conditions as may be set out in the by-law.

Convenience store

215c. Notwithstanding subsection 19 (1) of the *Planning Act*, the City of Toronto and the Metropolitan Corporation may pass by-laws for the purpose of implementing sections 215a and 215b.

Power to pass by-laws R.S.O. 1980, c. 379

3. The said Act is further amended by adding thereto the following Schedule:

Schedule, enacted

SCHEDULE

1. Lands and structures on Ward's Island on Toronto Islands in The Municipality of Metropolitan Toronto to which section 215a applies:

- 1. The residential structures and the lands occupied by them, located within the parcel of land bounded by Lenore Avenue, Willow Avenue, Withrow Avenue and Lakeshore Avenue.

2. The residential structures and the lands occupied by them on the southwesterly side of Lenore Avenue, on the northwesterly side of Willow Avenue and on the southwesterly side of Withrow Avenue west of Willow Avenue.
3. The residential structures and the lands occupied by them, located within the parcel of land bounded by First Avenue, Lakeshore Avenue, Fifth Avenue, Channel Avenue from its intersection with Fifth Avenue to its intersection with Sixth Avenue, Sixth Avenue, Bayview Avenue, Third Avenue, and Channel Avenue from its intersection with Third Avenue to its intersection with First Avenue.
4. The residential structures and the lands occupied by them on the northeasterly side of Third Avenue northwesterly of Channel Avenue and on the northwesterly side of Channel Avenue northeast of Third Avenue.
5. All avenues and vacant lands on the said Island lying northerly of the southerly limit of the southeasterly prolongation of Ojibway Avenue from Algonquin Island.

2. Lands and structures on Algonquin Island on Toronto Islands in The Municipality of Metropolitan Toronto to which section 215a applies:

1. The residential structures and the lands occupied by them, lying north of the southerly limit of Wyandot Avenue and the southeasterly and northwesterly prolongations thereof, except those lands leased and occupied by the Queen City Yacht Club.
2. All avenues and vacant lands on the said Island, except those lands leased and occupied by the Queen City Yacht Club.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. The short title of this Act is the *Municipality of Metropolitan Toronto Amendment Act, 1981*.

CHAPTER 74

An Act for granting to Her Majesty certain sums of money for the Public Service for the fiscal year ending the 31st day of March, 1982

Assented to December 18th, 1981

MOST GRACIOUS SOVEREIGN:

WHEREAS it appears by messages from the Honourable John B. Aird, Lieutenant Governor of the Province of Ontario, and from the estimates and supplementary estimates accompanying the same, that the sums mentioned in the Schedule to this Act are required to defray certain charges and expenses of the public service of this Province, not otherwise provided for, for the fiscal year ending the 31st day of March, 1982; may it therefore please Your Majesty that it be enacted and it is hereby enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows:

1.—(1) There may be paid out of the Consolidated Revenue Fund a sum not exceeding in the whole \$12,604,272,800 to be applied towards defraying the several charges and expenses of the public service, not otherwise provided for, from the 1st day of April, 1981, to the 31st day of March, 1982, as set forth in the Schedule to this Act, and, subject to subsection (2), such sum shall be paid and applied only in accordance with the votes and items of the estimates and supplementary estimates upon which the Schedule is based.

\$12,604,272,800
granted for
fiscal year
1981-82

(2) Where, in the fiscal year ending the 31st day of March, 1982, powers and duties are assigned and transferred from one minister of the Crown to another minister of the Crown, the appropriate sums in the votes and items of the estimates and supplementary estimates upon which the Schedule is based that are approved to defray the charges and expenses of the public service in the exercise and performance of such powers and duties, may be assigned and transferred from time to time as required by certificate of the Management Board of Cabinet to the ministry administered by the minister to whom the powers and duties are so assigned and transferred.

Exception

- Accounting
for
expenditure
- Commence-
ment
- Short title
2. The due application of all moneys expended under this Act shall be accounted for to Her Majesty.

3. This Act comes into force on the day it receives Royal Assent.

4. The short title of this Act is the *Supply Act, 1981*.

SCHEDULE

	ESTIMATES	SUPPLEMENTARY ESTIMATES	TOTAL
	\$	\$	\$
Office of the Lieutenant Governor	116,200		116,200
Office of the Premier	1,511,900		1,511,900
Cabinet Office	1,153,100		1,153,100
Management Board	194,159,800		194,159,800
Government Services	135,668,000		135,668,000
Intergovernmental Affairs	376,166,800	17,198,000	393,364,800
Northern Affairs	137,137,800	9,306,000	146,443,800
Revenue	345,140,500		345,140,500
Treasury and Economics	99,137,000		99,137,000
Office of the Assembly	27,347,600	2,262,800	29,610,400
Office of the Provincial Auditor	2,834,000		2,834,000
Office of the Ombudsman	3,493,000	229,000	3,722,000
Justice Policy	577,400		577,400
Attorney General	138,538,300		138,538,300
Consumer and Commercial Relations ..	60,943,700		60,943,700
Correctional Services	129,755,800	4,000,000	133,755,800
Solicitor General	159,908,000		159,908,000
Resources Development Policy	2,240,300		2,240,300
Agriculture and Food	145,389,000	37,000,000	182,389,000
Energy	17,315,500		17,315,500
Environment	253,236,600	1,060,000	254,296,600
Housing	266,456,000	5,000,000	271,456,000
Industry and Tourism	66,932,000		66,932,000
Labour	45,893,900		45,893,900
Natural Resources	232,130,000		232,130,000
Transportation and Communications ...	970,634,500	18,920,000	989,554,500
Social Development Policy	2,754,000		2,754,000
Colleges and Universities	1,345,091,000	4,550,000	1,349,641,000
Community and Social Services	1,311,279,100	34,525,800	1,345,804,900
Culture and Recreation	134,039,500		134,039,500
Education	1,468,896,300		1,468,896,300
Health	4,273,232,000	121,112,600	4,394,344,600
TOTAL	12,349,108,600	255,164,200	12,604,272,800

PART II

PRIVATE ACTS

Chapters 75 to 106

CHAPTER 75

**An Act respecting the
Armenian Community Centre***Assented to December 17th, 1981*

WHEREAS the Armenian Community Centre, herein called Preamble
the Corporation, hereby represents that it was incorporated
by letters patent dated the 11th day of June, 1968; that the Cor-
poration is a registered charitable organization within the
meaning of the *Income Tax Act* (Canada); that the Corporation R.S.C. 1952,
c. 148
acquired a freehold interest in lands and premises known
municipally as 45 Hallcrown Place, in the City of North York,
on the 30th day of December, 1977; that the Corporation intends
to use the said lands and premises as a cultural and recreational
centre; that the Corporation paid municipal taxes on the said real
property in 1978, 1979 and 1980 but not in 1981; and whereas the
Corporation hereby applies for special legislation to exempt the
said real property, occupied and used by it in the City of North
York, from municipal taxation, except for local improvement
rates, and to authorize The Corporation of the City of North
York and The Board of Education of the City of North York to
reimburse the Corporation for municipal taxes paid in 1978, 1979
and 1980; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts as
follows:

1. So long as the lands described in the Schedule hereto are Tax
exemption
used for the purposes of the Corporation, they shall be exempt
from taxes for municipal and school purposes.

2. For the purposes of subsection 219 (8) of the *Municipality* Deemed
exemption
R.S.O. 1980,
cc. 314, 31
of Metropolitan Toronto Act, the exemption from taxation
granted under section 1 shall be deemed to be an exemption
provided under section 3 of the *Assessment Act*.

3. For the period commencing on the 1st day of January, Reimburse-
ment
of taxes
1978 and ending on the 31st day of December, 1980,

- (a) The Corporation of the City of North York may, by by-law, reimburse the Corporation for municipal taxes; and
- (b) The Board of Education of the City of North York may, by resolution, reimburse the Corporation for school taxes,

or any portion thereof paid by the Corporation in respect of the lands described in the Schedule.

Commence-
ment

4.—(1) This Act, except sections 1 and 2, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 1 and 2 shall be deemed to have come into force on the 1st day of January, 1981.

Short title

5. The short title of this Act is the *Armenian Community Centre Act, 1981*.

SCHEDULE

That parcel of land situate in the City of North York, in The Municipality of Metropolitan Toronto, being,

- (a) that part of Lot 12, Concession 4, East of Yonge Street designated as Part I on a plan of survey deposited in the Land Registry Division of Toronto Boroughs (No. 64) as Plan 64R-6309; and
- (b) that part of Block F on Plan M-1164 registered in the Land Titles Office for the Land Titles Division of Metropolitan Toronto (No. 66) designated as Part I on a plan of survey recorded in the said office as Plan R-4518 being Parcel F-2 for Section M-1164.

CHAPTER 76

**An Act to revive
The Atlas Hotel Company Limited**

Assented to December 11th, 1981

WHEREAS N. Sidney Strauss hereby represents that The Atlas Hotel Company Limited, herein called the Corporation, was incorporated by letters patent dated the 1st day of March, 1938; that the Minister of Consumer and Commercial Relations by certificate of dissolution dated the 2nd day of April, 1979, and made under the authority of section 249 of *The Business Corporations Act*, being chapter 53 of the Revised Statutes of Ontario, 1970, cancelled the letters patent of the Corporation upon the filing of articles of dissolution pursuant to subsection 248 (1) of that Act; that the applicant herein was the majority shareholder of the Corporation at the time of its dissolution; that the said articles of dissolution were filed in error; that the Corporation owned property and it was not intended to voluntarily dissolve the Corporation at the time that the articles of dissolution were filed; and whereas the applicant hereby applies for special legislation reviving the Corporation; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Atlas Hotel Company Limited is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position as a company incorporated by letters patent, including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts as at the date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

The Atlas
Hotel
Company
Limited
revived

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. The short title of this Act is the *Atlas Hotel Company Limited Act, 1981*.

Short title

CHAPTER 77

**An Act to revive
Bankfield Consolidated Mines Limited***Assented to December 3rd, 1981*

WHEREAS John Alexander Murphy and Sam Pancer hereby Preamble
represent that Bankfield Consolidated Mines Limited,
herein called the Corporation, was incorporated by letters patent
on the 6th day of August, 1936; that the Minister of Consumer
and Commercial Relations by order dated the 16th day of March,
1976, and made under the authority of subsection 3 of section 251
of *The Business Corporations Act*, being chapter 53 of the
Revised Statutes of Ontario, 1970, cancelled the letters patent of
the Corporation for failure to file the financial statements as
required by section 134 of *The Securities Act*, being chapter 426
of the Revised Statutes of Ontario, 1970, and declared the Cor-
poration to be dissolved on the 16th day of March, 1976; that the
applicants were directors of the Corporation at the time of its
dissolution; that notice of default in filing the required financial
statements with the Ontario Securities Commission was given to
the directors of the Corporation but there were no funds avail-
able at the time to pay the cost of preparing the said financial
statements; that at the time of the dissolution of the Corporation,
the Corporation owned a mining property and the Corporation
intends either to sell or to seek financing to explore and develop
the said mining property; and whereas the applicants hereby
apply for special legislation reviving the Corporation; and
whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts as
follows:

1. Bankfield Consolidated Mines Limited is hereby revived
and is, subject to any rights acquired by any person after its
dissolution, hereby restored to its legal position as a corporation
incorporated by letters patent, including all its property, rights,
privileges and franchises, and subject to all its liabilities, con-
tracts, disabilities and debts as of the date of its dissolution in the
same manner and to the same extent as if it had not been dis-
solved.

Bankfield
Consolidated
Mines
Limited.
revived

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is the *Bankfield Consolidated Mines Limited Act, 1981*.

CHAPTER 78

An Act respecting the Town of Bracebridge

Assented to December 3rd, 1981

WHEREAS The Corporation of the Town of Bracebridge, Preamble
herein called the Corporation, hereby applies for special
legislation in respect of the matters hereinafter set forth; and
whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts as
follows:

1.—(1) The council of the Corporation may enter into an Agreements
for relief
from
requirements
to provide
parking
agreement with the owner or occupant of a building or structure
erected or used, or to be erected or used, for a purpose permitted
by the Corporation's by-laws providing for relief, to the extent
set out in the agreement, from any requirement in any by-law of
the Corporation for the provision or maintenance of parking
facilities on land that is not part of a highway, and exempting
such owner or occupant, to the extent specified in the agreement,
from the necessity of providing or maintaining such facilities.

(2) Every agreement referred to in subsection (1) shall, Idem

- (a) be subject to the approval of the Ontario Municipal
Board given either before or after the execution thereof;
- (b) require the payment to the Corporation of a sum of
money therein set out, either in a lump sum or by in-
stalments, together with interest at a rate therein
specified, and setting forth the basis upon which the
sum of money is calculated; and
- (c) where the agreement provides for payment by instal-
ments, be executed by all prior mortgagees or other
encumbrancers to postpone their encumbrance in
favour of the said agreement.

(3) All moneys paid or to be paid in accordance with an
agreement made under subsection (1) shall be paid into a special
account and may be invested in such securities as a trustee may Payments
under
agreements
held as
fund for
purpose of
parking
facilities

R.S.O. 1980,
cc. 512, 302

invest in under the *Trustee Act*, and the earnings derived from the investment of such moneys shall be paid into such special account; and the moneys in such special account shall be expended for the same purposes and in the same manner as a reserve fund provided for in paragraph 55 of section 208 of the *Municipal Act*.

Audit of
fund

(4) The auditor of the Corporation, in his annual report, shall report on the activities and position of any special account established under this section.

Registration
of agreement
imposes lien
on land

(5) An agreement made under subsection (1) may be registered against the title of the land affected thereby in the proper land registry office, and, when so registered, the amounts payable under the agreement shall, until paid, be a lien or charge upon the lands described therein.

Default of
payment

(6) In the event of default of payment under an agreement registered under subsection (5) for a period of one year from the date any payment is due, the amount in default may be collected in the same manner and with the same remedies as provided by the *Municipal Affairs Act* for the collection of real property taxes.

R.S.O. 1980,
c. 303

Certificate of
payment or
termination

(7) Upon payment in full of the moneys to be paid under an agreement registered under subsection (1) or upon termination of such an agreement, the clerk of the Corporation shall, at the request of the owner of the land or other person entitled under the agreement, provide a certificate in a form registrable in the proper land registry office, certifying that the moneys to be paid under the agreement have been fully paid or that the agreement has been terminated.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is the *Town of Bracebridge Act, 1981*.

CHAPTER 79

An Act to revive The Burford Lions Club

Assented to December 3rd, 1981

WHEREAS Robert John Ney and Allan Piggott hereby represent that The Burford Lions Club, herein called the Corporation, was incorporated by letters patent dated the 9th day of September, 1948; that the Minister of Consumer and Commercial Relations by order dated the 5th day of January, 1977, and made under the authority of subsection 347 (9) of *The Corporations Act*, being chapter 89 of the Revised Statutes of Ontario, 1970, cancelled the letters patent of the Corporation for default in filing annual returns and declared the Corporation to be dissolved on the 9th day of February, 1977; that, although the notice of default in filing annual returns was sent to each of the directors of the Corporation, through inadvertence, no action was taken to revive the Corporation until more than two years after the date of the said notice; that the said Robert John Ney was the secretary of the Corporation at the time of its dissolution and is now the secretary of The Burford Lions Club and the said Allan Piggott is the current president of The Burford Lions Club; that the Corporation, at the time of its dissolution, was carrying on the activities of a service club and those activities have continued to be carried on in the name of the Corporation since the time of its dissolution; and whereas the applicants hereby apply for special legislation reviving the Corporation; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Burford Lions Club is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position as a corporation incorporated by letters patent, including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts as at the date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

The Burford
Lions Club
revived

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. The short title of this Act is the *Burford Lions Club Act*, 1981.

Short title

CHAPTER 80

**An Act respecting the Theological College of
the Canadian Reformed Churches***Assented to December 11th, 1981*

WHEREAS the Canadian Reformed Churches, an unincorporated federation of reformed churches in Canada, hereby represent that they maintain an institution of higher learning in theology for the training for the ministry, known as the Theological College of the Canadian Reformed Churches; that it is desirable that the said College be incorporated and that the College be given the authority to grant degrees in theology; and whereas the Canadian Reformed Churches hereby apply for special legislation for such purposes; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act,Inter-
pretation

- (a) "Board" means the Board of Governors of the College;
- (b) "churches" means all the churches that from time to time comprise the federation of Canadian Reformed Churches;
- (c) "College" means the Theological College of the Canadian Reformed Churches;
- (d) "faculty" means all persons employed by the College as professor, associate professor, assistant professor, lecturer or instructor;
- (e) "Principal" means the Principal of the College;
- (f) "property" includes all property, both real and personal;
- (g) "Senate" means the Senate of the College;

- (h) "student" means a person who is registered or enrolled in a course of study or program at the College;
- (i) "Synod" means an assembly convened by the churches as the Synod of the Canadian Reformed Churches in Canada;
- (j) "unincorporated college" means the Theological College of the Canadian Reformed Churches as it existed immediately prior to the coming into force of this Act.

Conflict with
R.S.O. 1980,
c. 95

(2) In the event of conflict between any provision of this Act and any provision of the *Corporations Act*, the provision of this Act prevails.

Incorporation

2.—(1) The persons named in the Schedule hereto are hereby created a body corporate with perpetual succession and a common seal under the name of "Theological College of the Canadian Reformed Churches".

Continuation
of rights,
etc.

(2) Subject to any rights acquired by any person prior to the day this Act comes into force, the property, rights, privileges and powers of the unincorporated college are hereby continued and vested in the College and the liabilities of the unincorporated college together with the benefits and burdens of all contracts and covenants of the unincorporated college are hereby continued in and assumed by the College.

Idem

(3) Subject to this Act, all by-laws, resolutions and appointments of the unincorporated college shall continue as by-laws, resolutions and appointments of the College until amended, repealed or revoked.

Dissolution

(4) The unincorporated college is dissolved on the day this Act comes into force.

Objects

3. The object and purpose of the College is the advancement of learning in theology for the training for the ministry of the Gospel.

Basis

4. The College shall be carried on as a Christian institute of theology whose basis shall be the infallible Word of God as interpreted by the Belgic Confession, the Heidelberg Catechism and the Canons of Dordt as adhered to by the churches.

First
Board of
Governors

5.—(1) The persons named in the Schedule shall constitute the Board of Governors which shall act until the Board is reconstituted in accordance with subsection (2).

(2) Within three years from the coming into force of this Act, the Board shall be reconstituted to consist of eleven Governors to be elected or appointed by Synod in such manner as may be prescribed by the by-laws of the College, for a term of three years. Recon-
stitution
of Board

(3) No Governor shall serve for more than nine years consecutively, but on the expiration of one year after having served on the Board for nine consecutive years, such person shall again be eligible for membership on the Board. Term

(4) Subsection (3) does not apply to service on the Board of Governors of the unincorporated college. Idem

(5) The Board may, by by-law,

Increase
or decrease
in Board

(a) reduce the size of the Board to consist of not fewer than seven Governors or increase the size of the Board; and

(b) provide for the election and retirement of Governors in rotation,

but no such by-law shall come into effect until it has been confirmed by Synod.

(6) No person may be a Governor unless,

Qualifi-
cations

(a) he is a Canadian citizen; and

(b) he is a member in good standing of one of the churches.

(7) A majority of the Board constitutes a quorum for the transaction of business. Quorum

(8) The Board shall elect a chairman and a vice-chairman from among its members and, in the case of the absence or illness of the chairman or there being a vacancy in that office, the vice-chairman shall act as and have all the powers of the chairman. Chairman
and
vice-chairman

(9) Questions arising at any meeting of the Board shall be decided by a majority of votes and, in the case of an equality of votes, the question shall be deemed to be defeated. Majority
vote

(10) The Board shall keep proper records and minutes of its proceedings and proper books of account of the financial affairs of the College. Minutes

(11) The government, conduct, management and control of the College and of its property, revenues, expenditures, business Powers

and affairs are vested in the Board and the Board has all powers necessary or convenient to perform its duties and achieve the object and purpose of the College including, without limiting the generality of the foregoing, the power,

- (a) to enact by-laws for the conduct of its affairs;
- (b) to establish and terminate programs and courses of study after consideration of the recommendations, if any, of the Senate;
- (c) to appoint, promote, suspend and remove the administrative officers of the College and the members of the administrative staff;
- (d) to appoint, in accordance with the policies established by Synod, members of the faculty who are in full accord with the basis of the College as set out in section 4;
- (e) to promote, suspend and remove and to grant tenure and leave of absence to members of the faculty in accordance with the policies established by Synod, but any action resulting in suspension or removal of a faculty member shall be in accordance with the by-laws of the College and is subject to an appeal to Synod;
- (f) subject to the direction and approval of Synod, to establish, maintain, change and terminate faculties, schools, institutes, departments and chairs within the College;
- (g) to appoint or remove the Principal;
- (h) to establish and collect fees and charges for tuition and for services of any kind offered by the College and collect fees and charges on behalf of any entity, organization or element of the College;
- (i) to borrow money for the purposes of the College and give security therefor on such terms and in such amounts as it may deem advisable;
- (j) to invest all money that comes into the College that is not required to be expended for any purpose to which it lawfully may be applied, subject always to any express limitations or restrictions on investment powers imposed by the terms of same, in such manner as it considers proper and, except where a trust instrument otherwise directs, to combine trust moneys belonging to various trusts in its care into a common trust fund;

- (k) to hold, manage, sell or convert any of the real or personal property from time to time owned by the College and to invest and re-invest any principal in such manner as may from time to time be determined;
- (l) to enact by-laws to regulate the admission of students who are in full accord with the basis of the College as set out in section 4 and to set admission standards based on academic qualifications; and
- (m) to appoint one or more Governors, or any other person or persons, to execute on behalf of the Board documents and other instruments in writing generally, or specific documents and other instruments in writing, and to affix the corporate seal of the College thereto.

(12) Subject to subsections (13) and (14), a meeting of the Board shall be open to the public and prior notice of the meeting shall be given to the members of the Board and to the public in such manner as the Board, by by-law, may determine, and no person shall be excluded from a meeting except for improper conduct as determined by the Board. Meetings open to public

(13) Where matters confidential to the College are to be considered, the part of the meeting concerning such matters may be held *in camera*. Confidential matters

(14) Where a matter of a personal nature concerning an individual may be considered at a meeting, the part of the meeting concerning such individual shall be held *in camera* unless there is a mutual agreement to the contrary by the Board and the individual. Idem

(15) The Board may appoint an executive committee and such other committees as the Board considers advisable and delegate to any such committee any of its powers in accordance with the by-laws of the College, but where power and authority to act for the Board are delegated to a committee, a majority of the members of the committee shall be Governors. Delegation of powers

6.—(1) Synod shall assemble not less than every three years to do, in addition to any other business that may be transacted, the following: Synod

1. Receive the report of the Board as to the operation of the College.
2. Elect or appoint the Governors in accordance with subsections 5 (2) to (6).

3. Consider the audited financial statements and the report of the auditor for the previous fiscal periods.
4. Appoint the auditors until the next assembly of Synod.
5. Confirm or reject any by-laws passed by the Board that under this Act require confirmation by Synod.

Special
assembly

(2) The Board may petition the churches at any time for a special assembly of Synod to deal with matters pertaining to the College.

Audit

R.S.O. 1980,
c. 405

7.—(1) The accounts and transactions of the College shall be audited at least annually by one or more public accountants licensed under the *Public Accountancy Act*.

Distribution
of annual
report

(2) The Board shall distribute annually to all of the churches an annual report including, in addition to any other information, the following,

- (a) an audited annual financial report; and
- (b) an annual budget for the ensuing year.

Principal

8. There shall be a Principal who shall supervise the affairs of the College, including its administration, faculty and students, and who shall report to the Board.

Chancellor

9.—(1) The Principal shall act as Chancellor of the College and, as Chancellor, he shall confer all degrees.

Degrees

(2) Degrees shall only be conferred upon the recommendation of the Senate.

Senate

10.—(1) There shall be a Senate composed of,

- (a) the Principal;
- (b) the faculty; and
- (c) such retired members of the faculty as may be appointed by the Board.

Chairman

(2) The Principal shall act as chairman of the Senate.

Powers

(3) The Senate has power,

- (a) to make recommendations to the Board to establish and terminate programs and courses of study;

- (b) to determine the curricula of all programs and courses of study, enforce standards of admission to the College and continued registration therein, and determine the qualifications for graduation;
- (c) to conduct examinations, appoint examiners and decide all matters related to examinations and the appointment of examiners;
- (d) to grant the degrees of Bachelor of Theology, Bachelor of Divinity, Master of Divinity and Master of Theology;
- (e) to award fellowships, scholarships, bursaries, medals, prizes and other marks of academic achievement;
- (f) to enact by-laws for the conduct of its affairs provided such by-laws are approved by the Board;
- (g) to take disciplinary action against students and to dismiss students, but disciplinary action or dismissal shall be in accordance with the by-laws of the Senate and is subject to an appeal to the Board;
- (h) to appoint committees and delegate thereto power and authority to act for them with respect to any matter or class of matters set out in clauses (a) to (g), but where such power and authority to act are delegated to a committee, a majority of the members of the committee shall be members of the Senate;
- (i) to do all things necessary for carrying out the powers and duties as set out in clauses (a) to (h).

11.—(1) The College has power to purchase or otherwise ^{Property} acquire, take or receive, by deed, gift, bequest or devise, and to hold, possess and enjoy, without licence in mortmain and without limitation as to the period of holding, any estate or property whatsoever, whether real or personal, and to sell, grant, convey, mortgage, lease or otherwise dispose of the same or any part thereof, or any interest therein from time to time as occasion may require, and to acquire other estate or property in addition thereto or in place thereof and to enter into and carry out agreements, contracts and undertakings incidental thereto.

(2) All property previously or hereafter granted, conveyed, ^{Idem} devised or bequeathed to the College or to the unincorporated college or to any person in trust for or for the benefit of the College or to the unincorporated college or of any faculty, school

or department thereof, or otherwise in connection therewith, subject to any trust or trusts affecting the same, shall be vested in the College.

Dissolution

(3) Upon the dissolution of the College and after the payment of all debts and liabilities, the remaining property of the College shall be distributed or disposed of to those churches that are deemed to be charitable organizations in Canada in such manner as Synod may direct.

Non-profit corporation

12. The College shall be carried on without the purpose of gain for the Governors or the churches and any profits or other accretions to the College shall be used in promoting its object and purpose.

Application of R.S.O. 1980, cc. 65, 63

13. The *Charities Accounting Act* and the *Charitable Gifts Act* apply to the College.

Commencement

14. This Act comes into force on the day it receives Royal Assent.

Short title

15. The short title of this Act is the *Canadian Reformed Theological College Act, 1981*.

SCHEDULE

First Board of Governors of the Theological College of the Canadian Reformed Churches:

Mr. Hessel Dantuma, Executive

Rev. Jacob Geertsema, B.A., B.D., Clergyman

Mr. Arie Hordyk, Real Estate Broker & Appraiser

Mr. Clarence Loopstra, LL.B., Barrister

Mr. John Medemblik, Executive

Rev. Johannes Mulder, B.A., B.D., Clergyman

Rev. Clarence Stam, B.A., B.D., Clergyman

Rev. Dirk VanderBoom, M.Th., Clergyman

Rev. Martin VanderWel, B.A., B.D., Clergyman

Mr. Maas vanGrootheest, Executive

Rev. James Visscher, B.A., B.D., Clergyman

CHAPTER 81

An Act to revive Candore Explorations Limited

Assented to November 19th, 1981

WHEREAS Harry I. Miller and James Geddes hereby represent that Candore Explorations Limited, herein called the Corporation, was incorporated by letters patent dated the 18th day of May, 1945; that the Minister of Consumer and Commercial Relations by order dated the 14th day of March, 1978, and made under the authority of subsection 3 of section 251 of *The Business Corporations Act*, cancelled the certificate of incorporation of the Corporation for default in filing financial statements and the auditor's reports thereon as required by section 134 of *The Securities Act*, being chapter 426 of the Revised Statutes of Ontario, 1970, and declared the Corporation to be dissolved on the 14th day of March, 1978; that the applicants were both directors and shareholders of the Corporation at the time of its dissolution; that the Corporation at the time of its dissolution owned certain property and that it is desirable that the Corporation be revived in order to deal with the said property; and whereas the applicants hereby apply for special legislation reviving the Corporation; and whereas it is expedient to grant the application;

Preamble

R.S.O. 1970,
c. 53

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Candore Explorations Limited is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position as a corporation, incorporated by letters patent, including all its property, rights, privileges and franchises, with the exception of 335,000 shares of Opawica Explorations Inc., and subject to all its liabilities, contracts, disabilities and debts as of the date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

Candore
Explorations
Limited.
revived

(2) Subsection (1) does not affect any right the Corporation may have to receive the proceeds of any disposition of the shares of Opawica Explorations Inc., referred to in subsection (1).

Saving

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is the *Candore Explorations Limited Act, 1981*.

CHAPTER 82

An Act respecting the Township of Chandos

Assented to December 3rd, 1981

WHEREAS The Corporation of the Township of Chandos, Preamble
herein called the Corporation, hereby represents that the council of the Corporation passed By-law Number 529 on the 6th day of October, 1975 requesting the Minister of Treasury, Economics and Intergovernmental Affairs to extend the tax arrears procedure under *The Municipal Affairs Act*, being chapter 118 of the Revised Statutes of Ontario, 1970, to the Township of Chandos; that the said request was not received by the appropriate Minister until the 5th day of August, 1980 and was given effect to on the 19th day of August, 1980; that the council of the Corporation mistakenly believed that the Township of Chandos had been placed under the said tax arrears procedure on the 6th day of October, 1975 and proceeded, after the passing of the said By-law Number 529, to act under the said tax arrears procedure and seized certain lands for failure to pay taxes and to deal therewith; that because of its mistake the council of the Corporation did not have authority to proceed under the said tax arrears procedure; that the applicant considers it desirable that the said tax arrears procedure be deemed to have applied in the Township since the 6th day of October, 1975; and that it is desirable that all actions taken since that date be validated; and whereas the applicant hereby applies for special legislation for such purposes; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Notwithstanding any other Act, the tax arrears procedure of the *Municipal Affairs Act* shall be deemed to have applied to the Township of Chandos in the County of Peterborough since the 6th day of October, 1975, and the tax sales procedures of the *Municipal Act* and the *Education Act* shall be deemed not to have applied thereto since that date. Tax arrears procedure deemed application R.S.O. 1980, cc. 303, 302, 129

2. Every tax arrears certificate with respect to land in the Township of Chandos that was registered on or after the 6th day Registered tax arrears certificates confirmed

R.S.O. 1980,
c. 303

of October, 1975 and before the day this Act comes into force, that purports to have been registered pursuant to the *Municipal Affairs Act* and that is now outstanding, and the registration thereof, are confirmed and declared to be legal, valid and binding, and shall be deemed to have had the effect of vesting on the day of registration the land therein described in The Corporation of the Township of Chandos, its successors or assigns, in fee simple, clear of and free from all other estate, right, title or interest, and of all charges or encumbrances thereon and dower therein.

Registered
redemption
certificates
confirmed

3. Every redemption certificate with respect to land in the Township of Chandos registered on or after the 6th day of October, 1975 and before the day this Act comes into force and purporting to have been registered pursuant to the *Municipal Affairs Act*, and the registration thereof, are hereby confirmed and declared to be legal, valid and binding, and shall be deemed to have had the effect of vesting in the registered owner at the time of registration of the tax arrears certificate, his heirs or assigns, his original estate, right, title or interest in the land described therein, and of cancelling the tax arrears certificate registered with respect to such land.

Registered
vacating
certificates
confirmed

4. Every vacating certificate with respect to land in the Township of Chandos registered on or after the 6th day of October, 1975 and before the day this Act comes into force and purporting to have been registered pursuant to the *Municipal Affairs Act*, and the registration thereof, are hereby confirmed and declared to be legal, valid and binding, and shall be deemed to have had the effect of vesting in the registered owner at the time of registration of the tax arrears certificate, his heirs or assigns, his original estate, right, title and interest in the land described therein.

Certain
by-laws and
dispositions
confirmed

5. Where any land has become vested in the Corporation as a result of tax arrears procedures under any Act and,

- (a) any such land has been declared by by-law of the Corporation to be required for municipal purposes, such by-law is hereby confirmed and declared to be legal, valid and binding; or
- (b) any such land has been disposed of by the Corporation before the day this Act comes into force, the disposition is hereby confirmed and declared to be legal, valid and binding.

Pending
litigation
not affected

6. This Act shall not affect or prejudice any right of any person in any action, litigation or other proceeding now pending, and any such action, litigation or other proceeding may be con-

tinued and finally adjudicated in the same manner and to the same extent as if this Act had not been passed.

7. This Act shall not affect or defeat the Crown with respect to its interest in any land which, or any interest in which, has been sold for taxes, or against which, or any interest in which, a tax arrears certificate has been registered. Saving as to rights of Crown

8. This Act comes into force on the day it receives Royal Assent. Commencement

9. The short title of this Act is the *Township of Chandos Act*, Short title
1981.

CHAPTER 83

An Act to incorporate Emmanuel Bible College

Assented to December 11th, 1981

WHEREAS The Missionary Church, Canada East, incorporated under the laws of Ontario, hereby represents that it established Emmanuel Bible College in 1939 at the annual conference of the Church; that the College has provided post secondary education since the 2nd day of January, 1940; that since 1952 the College has granted theological degrees to graduates of three and four year programs of study; that under the by-laws of the Church, the College has been administered by the Bible College Board of Directors; that the College is a member in good standing of the Association of Canadian Bible Colleges and of the American Association of Bible Colleges and has candidate status for full accreditation with the Accreditation Commission of the said American Association of Bible Colleges; and whereas the applicant hereby applies for special legislation providing for the continuance of its organization, government and administration, including the power to grant degrees in the field of religious study; and whereas it is expedient to grant the application; Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act,Interpre-
tation

- (a) “academic unit” means a faculty, department or other academic division of the College;
- (b) “Board” means the Board of Governors of the College;
- (c) “College” means Emmanuel Bible College as incorporated by section 2;
- (d) “faculty” means all of the teaching staff of the College and the head librarian;
- (e) “former bible college” means Emmanuel Bible College as it existed immediately prior to the coming into force of this Act;

- (f) "student" means a person who is registered as such in a program or course of study at the College that leads to a degree, diploma or certificate of the College.

Conflict
with
R.S.O. 1980,
c. 95

(2) In the event of conflict between any provision of this Act and any provision of the *Corporations Act*, the provision of this Act prevails.

Board
incorporated

2.—(1) The Board of Governors of the College is hereby constituted a body corporate with perpetual succession and a common seal under the name of "Emmanuel Bible College".

Rights and
liabilities
continued

(2) The property, rights, privileges and powers of the former bible college are hereby continued and vested in the College and the liabilities of the former bible college together with the benefits and burdens of all contracts and covenants of the former bible college are hereby continued in and assumed by the College.

By-laws, etc.,
continued

(3) Subject to this Act, all by-laws, regulations, resolutions and appointments of the former bible college shall continue as by-laws, regulations, resolutions and appointments of the College until amended, repealed or revoked.

Dissolution
of former
Board

(4) The Bible College Board of Directors, established under the by-laws of The Missionary Church, Canada East, is dissolved on the day this Act comes into force.

Objects and
purposes

3. The objects and purposes of the College are,

- (a) to provide instruction in higher Christian education for Christian faith and practice;
- (b) to prepare students to serve with competence in full-time Christian professions both at home and abroad; and
- (c) to equip students not anticipating full-time Christian service for positions of lay leadership and activity in various Christian ministries.

Board of
Governors

4.—(1) The affairs of the College shall be managed by the Board.

Composition

(2) The Board shall be composed of,

- (a) twelve members elected for a term of three years by the membership of The Missionary Church, Canada East, at an annual meeting of the Church;

- (b) the District Superintendent of The Missionary Church, Canada East, who shall be an *ex officio* member;
- (c) the president of the College, who shall be an *ex officio* member;
- (d) the president of the Alumni Association, who shall be an *ex officio* member; and
- (e) such other members, not exceeding six in number, as may be appointed by the Board for a term of one, two or three years.

(3) The Board may, by by-law, provide for the election and retirement in rotation of the first members of the Board elected under clause (2) (a) and may determine that one or more of the first members so elected shall serve for an initial term of less than three years. Staggered terms

(4) No person shall be elected as a member of the Board unless the person is a Canadian citizen. Canadian citizenship

(5) No elected or appointed member of the Board shall serve for more than nine consecutive years, but a member who has served for nine consecutive years shall again be eligible for election to the Board on the expiration of one year after having completed the ninth consecutive year. Re-election, maximum term of office

(6) Service on the Board of Directors of the former bible college prior to the day this Act comes into force, service on the Board for a period of less than three years by any first member of the Board under subsection (3), service on the Board as an *ex officio* member, or service on the Board for the balance of an unexpired term by a member appointed under subsection (7) does not constitute service of all or part of a term or terms for the purposes of subsection (5). Idem

(7) Where a vacancy occurs among the elected members of the Board, the Board of Directors of The Missionary Church, Canada East, may appoint a new member to fill the vacancy on the Board, and the person so appointed shall serve for the balance of the unexpired term of the vacating member. Vacancies

5.—(1) The government, conduct, management and control of the College and of its property, revenues, expenditures, business and affairs are vested in the Board and the Board has all powers necessary or convenient to perform its duties and achieve the objects and purposes of the College including, without limiting the generality of the foregoing, the power, Powers of the Board

- (a) to appoint members of the Board under clause 4 (2) (e);
- (b) to enact by-laws for the conduct of its affairs;
- (c) to establish and terminate programs and courses of study after consideration of the recommendations, if any, of the Academic Council;
- (d) to appoint, promote, suspend and remove the president and other administrative officers of the College and the members of the administrative staff;
- (e) to appoint and promote members of the faculty and academic officers;
- (f) to grant tenure and leave to and to suspend and remove the academic officers and members of the faculty;
- (g) to establish, change and terminate academic units within the College and determine the powers and duties of any such unit;
- (h) to appoint committees and delegate thereto power and authority to act for the Board with respect to any matter or class of matters, provided that where power and authority to act for the Board are delegated to a committee, a majority of the members of the committee shall be members of the Board;
- (i) subject to the approval of The Missionary Church, Canada East, to federate or affiliate the College with any other institution of higher learning;
- (j) to establish and collect fees and charges for tuition and for services of any kind offered by the College and collect fees and charges on behalf of any entity, organization or element of the College;
- (k) to borrow money for the purposes of the College and give security therefor on such terms and in such amounts as it may deem advisable;
- (l) to invest all money that comes into the College that is not required to be expended, for any purpose to which it lawfully may be applied, subject always to any express limitations or restrictions on investment powers imposed by the terms of same, in such manner as it considers proper and, except where a trust instrument otherwise directs, to combine trust moneys belonging to various trusts in its care into a common trust fund;

(m) to acquire, accept, solicit or receive, by purchase, lease, deed, contract, donation, legacy, gift, grant, bequest, devise or otherwise, any kind of real or personal property and to enter into and carry out agreements, contracts and undertakings incidental thereto and to hold any such property for the purpose of drawing revenue therefrom, and to sell, lease, mortgage, dispose of and convey the same or any part thereof or interest therein as the Board may consider advisable;

(n) to acquire, accept, solicit or receive any gift of real or personal property, either as an annual or other contribution or as an addition to the fund or funds of the College;

(o) to establish, by by-law, Christian doctrinal statements of the College which shall be adhered to by members of the Board and members of the faculty;

(p) to appoint a member or members of the Board, or any other person or persons, to execute on behalf of the Board,

(i) documents and other instruments in writing generally, or

(ii) specific documents and other instruments in writing,

and to affix the corporate seal of the College thereto: and

(q) to establish the fiscal year of the Board.

(2) The Board shall not sell or mortgage or otherwise convey any real property of the College without the consent of The Missionary Church, Canada East. Restriction on conveyances

6.—(1) There shall be a chairman and a vice-chairman of the Board, a secretary and a treasurer, or in lieu of a secretary and a treasurer, a secretary-treasurer of the Board, and such other officers as the Board may determine from time to time. Chairman, etc.

(2) The chairman and vice-chairman of the Board shall be elected by the Board from among the Governors appointed or elected under clause 4 (1) (a) at the first meeting of the Board after the annual meeting of The Missionary Church, Canada East, and the chairman and vice-chairman shall hold office until their successors are elected. Election

Idem

(3) The treasurer and secretary or secretary-treasurer of the Board and any other officers that may be appointed by the Board need not be members of the Board.

Absence of
chairman

(4) The chairman of the Board shall preside at meetings of the Board and, in his absence, the vice-chairman shall preside or, in the absence of both of them, the president shall preside.

Academic
Council

7.—(1) There shall be an Academic Council of the College composed of,

(a) the president of the College, the Dean of Academic Affairs, and the head librarian, who shall be *ex officio* members; and

(b) all members of the full-time faculty.

Powers and
duties

(2) The Academic Council shall have the following powers and duties:

1. To make recommendations to the president to establish and terminate programs and courses of study.
2. To determine the curricula of all programs and courses of study, standards of admission to the College and continued registration therein, and the qualifications for graduation.
3. To conduct examinations, appoint examiners and decide all matters related to examinations and the appointment of examiners.
4. To award fellowships, scholarships, bursaries, medals, prizes and other marks of academic achievement.
5. To grant the degrees of Bachelor of Theology, Bachelor of Religious Education and Bachelor of Sacred Music.
6. To appoint committees and delegate thereto power and authority to act for them with respect to any matter or class of matters set out in paragraphs 1 to 5, provided that where such power and authority to act is delegated to a committee, a majority of the members of the committee shall be members of the Academic Council.
7. To do all things necessary for carrying out the powers and duties as set out in paragraphs 1 to 6.

Meetings
open to
public

8.—(1) Subject to subsections (2) and (3), every meeting of the Board or of the Academic Council shall be open to the public

and prior notice of the meeting shall be given to the members of the Board or the Academic Council, as the case may be, and to the public in such manner as the Board and the Academic Council, by by-law, shall respectively determine, and no person shall be excluded from a meeting except for improper conduct as determined by the Board or the Academic Council, as the case may be.

(2) Where matters confidential to the College are to be considered, the part of the meeting concerning such matters may be held *in camera*. Confidential matters

(3) Where a matter of a personal nature concerning an individual may be considered at a meeting, the part of the meeting concerning such individual shall be held *in camera* unless there is mutual agreement to the contrary by the Board or Academic Council, as the case may be, and the individual. Personal matters

(4) The by-laws of the Board and of the Academic Council shall be open to examination by the public during normal office hours of the College. By-laws

(5) The Board shall publish its by-laws from time to time in such manner as it may consider proper. Idem

9.—(1) The Board shall appoint one or more auditors licensed under the *Public Accountancy Act* to audit the accounts and transactions of the Board at least once a year. Auditors
R.S.O. 1980,
c. 405

(2) A copy of the audited annual statement shall be made available for inspection by the public during the normal office hours of the College. Annual statements

10. All property heretofore or hereafter granted, conveyed, devised or bequeathed to the former bible college, any of its divisions, departments, or any of its academic units or to any person in trust for or for the benefit of any of the foregoing, subject to any trust affecting the same, vests in the College. Property

11. For the purposes of construing any instrument or other document unless the contrary intention appears, a reference to the former bible college or any of its divisions or departments shall be construed to refer to the College. References to former bible college

12. The College has power to purchase or otherwise acquire, take or receive, by deed, gift, bequest or devise, and to hold, possess and enjoy, without licence in mortmain and without limitation as to the period of holding, any estate or property whatsoever, whether real or personal, and to sell, grant, convey, Power to hold property in mortmain

mortgage, lease or otherwise dispose of the same or any part thereof or any interest therein from time to time and as occasion may require, and to acquire other estate or property in addition thereto or in place thereof.

Non-profit
corporation

13. The College shall be carried on without the purpose of gain for the members of the Board and any profits or other accretions to the College shall be used in promoting its objects.

Application of
R.S.O. 1980,
c. 65
Dissolution

14. The *Charities Accounting Act* applies to the College.

15. Upon the dissolution of the College and after the payment of all debts and liabilities, the remaining property of the College shall be distributed or disposed of to The Missionary Church, Canada East.

Transition

16.—(1) The Board, until reconstituted in accordance with subsection 4 (2), shall consist of those persons who, immediately prior to the coming into force of this Act, were members of the Board of Directors of the former bible college.

Reconstitu-
tion of
Board

(2) The Board shall be reconstituted in accordance with subsection 4 (2) within twelve months of this Act coming into force.

Commence-
ment

17. This Act comes into force on the day it receives Royal Assent.

Short title

18. The short title of this Act is the *Emmanuel Bible College Act, 1981*.

CHAPTER 84

**An Act respecting the Trusteeship of the
Balance Share Warrant of Global Natural
Resources Limited***Assented to December 18th, 1981*

WHEREAS Edward Robert Erskine Carter, one of Her Majesty's Counsel, hereby represents that he is the applicant herein; that The Fund of Funds, Limited, herein referred to as FOF, and IOS Growth Fund, Limited, herein referred to as Growth, are corporations incorporated under the laws of the Province of Ontario; that between August, 1970 and March, 1972 interests in certain natural resource assets were transferred from FOF and Growth to Global Natural Resources Limited, herein referred to as Global, a company incorporated in England but not resident or domiciled there, in exchange for all of the issued capital of Global, which capital was evidenced by bearer share warrants representing an entitlement to common shares of Global; that the boards of directors of FOF and Growth then declared a dividend *in specie* of the Global shares to the shareholders of FOF and Growth as at the 7th day of August, 1970 on a one for one basis; that upon the application of a shareholder of each of FOF and Growth, winding-up orders were made against FOF and Growth pursuant to clause 217 (d) of *The Business Corporations Act*, being chapter 53 of the Revised Statutes of Ontario, 1970, on the 1st day of August, 1973 and a permanent liquidator was appointed; that by an order of the Supreme Court of Ontario dated the 5th day of July, 1977, the applicant was appointed as trustee within the winding-up proceedings of FOF and Growth to protect and conserve the value of the balance share warrant, which consisted of approximately 10 million shares at that time; that by a further order of the Supreme Court of Ontario dated the 30th day of January, 1978, the applicant was ordered to continue as trustee of the balance share warrant and to hold it in trust for the beneficiaries; that by the same order the applicant, as trustee, was ordered to take such steps as he deemed reasonable and practicable to ascertain the whereabouts of the beneficiaries and to verify and issue to them their proportionate share of the balance share warrant, and pending such verification and issuance, to maintain or cause to be maintained such records as were appropriate of the identities of the beneficiaries and the entitlement of each such beneficiary; that the applicant, as trustee, has since the 5th day of July, 1977 taken

Preamble

all reasonable and practicable steps to ascertain the whereabouts of the beneficiaries and to verify and issue to them their proportionate share of the balance share warrant and has accordingly reduced the number of shares represented by the balance share warrant to approximately 2.6 million shares; that the trustee will continue to verify and issue shares of Global on an active basis as long as he is required to do so by the Supreme Court of Ontario and thereafter to sell or otherwise dispose of the remainder of such shares; that it is expedient and desirable that such sale or disposition be authorized by an Act of the Legislative Assembly of Ontario; and whereas the applicant, as trustee, hereby applies for special legislation for such purposes; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpre-
tation

1. In this Act,

- (a) "balance share warrant" means the bearer share warrant representing the unclaimed balance of common shares of Global Natural Resources Limited which were declared as a dividend *in specie* to the shareholders of The Fund of Funds, Limited and IOS Growth Fund, Limited as at the 7th day of August, 1970 and includes the shares represented thereby, the undistributed fractional shares originally forming a part thereof and the shares of any corporation substituted therefor as a result of corporate re-organization of Global Natural Resources Limited or otherwise;
- (b) "beneficiary" means a person, including his heirs, executors, administrators or assigns who was a shareholder of The Fund of Funds, Limited or IOS Growth Fund, Limited as at the 7th day of August, 1970 and who has not had issued to him the proportionate share of the trust property to which he is entitled;
- (c) "trust property" means the balance share warrant from time to time, all dividends and distributions thereon and, in the event of any sale or other disposition of all or a part thereof, the proceeds of such sale or disposition, together with all investments thereof;
- (d) "trustee" means the trustee from time to time of the trust property.

2. Notwithstanding any provision of the *Business Corporations Act* or the *Trustee Act*, the trustee may sell or otherwise

Trustee
authorized
to dispose
of balance
share
warrant
R.S.O. 1980,
cc. 54, 512

dispose of all or part of the balance share warrant at such time, and on such terms, and in such manner as a Judge of the Supreme Court may, upon the application of the trustee, direct.

3. The proceeds of any sale or other disposition made under section 2 shall be substituted for the part of the balance share warrant sold or otherwise disposed of and any claim or entitlement thereafter by a beneficiary to a share of the trust property shall, to the extent of such substitution, constitute a claim or entitlement solely with respect to the proceeds of such sale or other disposition. Proceeds

4. This Act comes into force on the day it receives Royal Assent. Commence-
ment

5. The short title of this Act is the *Global Natural Resources Limited Trust Act, 1981*. Short title

CHAPTER 85

An Act respecting the Town of Gravenhurst

Assented to December 3rd, 1981

WHEREAS The Corporation of the Town of Gravenhurst, Preamble
herein called the Corporation, hereby applies for special
legislation in respect of the matters hereinafter set forth; and
whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts as
follows:

1.—(1) The council of the Corporation may enter into an Agreements
for relief
from
requirements
to provide
parking
agreement with the owner or occupant of a building or structure
erected or used, or to be erected or used, for a purpose permitted
by the Corporation's by-laws providing for relief, to the extent
set out in the agreement, from any requirement in any by-law of
the Corporation for the provision or maintenance of parking
facilities on land that is not part of a highway, and exempting
such owner or occupant, to the extent specified in the agreement,
from the necessity of providing or maintaining such facilities.

(2) Every agreement referred to in subsection (1) shall, Idem

- (a) be subject to the approval of the Ontario Municipal Board given either before or after the execution thereof;
- (b) require the payment to the Corporation of a sum of money therein set out, either in a lump sum or by instalments, together with interest at a rate therein specified, and setting forth the basis upon which the sum of money is calculated; and
- (c) where the agreement provides for payment by instalments, be executed by all prior mortgagees or other encumbrancers to postpone their encumbrance in favour of the said agreement.

(3) All moneys paid or to be paid in accordance with an Payments
under
agreements
held as
fund for
purpose of
parking
facilities
agreement made under subsection (1) shall be paid into a special
account and may be invested in such securities as a trustee may

R.S.O. 1980,
cc. 512, 302

invest in under the *Trustee Act*, and the earnings derived from the investment of such moneys shall be paid into such special account, and the moneys in such special account shall be expended for the same purposes and in the same manner as a reserve fund provided for in paragraph 55 of section 208 of the *Municipal Act*.

Audit of
fund

(4) The auditor of the Corporation, in his annual report, shall report on the activities and position of any special account established under this section.

Registration
of agreement
imposes lien
on land

(5) An agreement made under subsection (1) may be registered against the title of the land affected thereby in the proper land registry office, and, when so registered, the amounts payable under the agreement shall, until paid, be a lien or charge upon the lands described therein.

Default of
payment

(6) In the event of default of payment under an agreement registered under subsection (5) for a period of one year from the date any payment is due, the amount in default may be collected in the same manner and with the same remedies as provided by the *Municipal Affairs Act* for the collection of real property taxes.

R.S.O. 1980,
c. 303

Certificate of
payment or
termination

(7) Upon payment in full of the moneys to be paid under an agreement registered under subsection (1) or upon termination of such an agreement, the clerk administrator of the Corporation shall, at the request of the owner of the land or other person entitled under the agreement, provide a certificate in a form registrable in the proper land registry office, certifying that the moneys to be paid under the agreement have been fully paid or that the agreement has been terminated.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is the *Town of Gravenhurst Act, 1981*.

CHAPTER 86

An Act respecting The Greater Niagara General Hospital

Assented to December 11th, 1981

WHEREAS The Greater Niagara General Hospital hereby represents that it was incorporated by *The Greater Niagara General Hospital Act, 1951*; that under that Act, as amended by the Statutes of Ontario, 1966, chapter 169 and 1972, chapter 177, certain members of the corporation were to be chosen by the Senior Women's Hospital Auxiliary and by the Junior Women's Hospital Auxiliary; that those two bodies have now been replaced by one Women's Hospital Auxiliary; that it is desirable to amend the Act to provide for the choosing of members of the corporation by the Women's Hospital Auxiliary and to delete references to the two former bodies; that it is desirable to clarify certain other provisions in the Act relating to the appointment of members and vacancies in the corporation; and whereas the corporation hereby applies for special legislation for such purposes and whereas it is expedient to grant the application;

Preamble
1951, c. 102

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Sections 1 to 7 of *The Greater Niagara General Hospital Act, 1951*, being chapter 102, as amended by the Statutes of Ontario, 1966, chapter 169, sections 2 and 3 and 1972, chapter 177, section 1, are repealed and the following substituted therefor:

ss. 1-7,
re-enacted

1. In this Act,

Interpretation

- (a) "board" means the Board of Governors of the corporation;
- (b) "corporation" means The Greater Niagara General Hospital.

2. The corporation known as The Greater Niagara General Hospital is hereby continued.

Corporation
continued

3. The corporation shall be composed of the following members:

Composition
of corporation

1. Three representatives of the council of The Corporation of the City of Niagara Falls appointed by the said council from among its members.
2. One representative of the Regional Council of The Regional Municipality of Niagara appointed by the said Council from among its members.
3. One representative of the Province of Ontario appointed by the Lieutenant Governor in Council.
4. Three representatives of the Medical Staff of The Greater Niagara General Hospital.
5. Two representatives of the Women's Hospital Auxiliary elected by the Auxiliary from among its members.
6. Twelve members elected by The Greater Niagara General Hospital Association from among its members.
7. Three members appointed by persons appointed or elected under paragraphs 1 to 6.
8. Where the board passes a resolution under subsection 9 (2), the chief executive officer.

Term of
office

4.—(1) The persons elected or appointed as members of the corporation,

- (a) under paragraphs 1 and 2 of section 3 shall hold office for a term not exceeding their term of office on the council of the City or on the Regional Council, as the case may be;
- (b) under paragraphs 3, 4 and 5 of section 3 shall hold office for a term of one year;
- (c) under paragraph 6 of section 3 shall hold office for a term of three years but no such member shall hold office for more than two consecutive terms of three years each; or
- (d) under paragraph 7 of section 3 shall hold office for a term of three years.

Idem

(2) Where a person referred to in clause (1) (c) has completed two consecutive terms of three years each and one year has elapsed since the completion of the second term, the person is again eligible for election as a member of the corporation.

5. The members, from time to time, of the corporation shall constitute the Board of Governors of the corporation. Board of Governors

6. Upon a vacancy occurring, for any reason, in the office of any member appointed or elected as a member of the corporation, Vacancies

(a) under paragraphs 1 to 5 of section 3, the person or body that elected or appointed the member whose office is vacant may appoint another qualified person as a member for the remainder of the unexpired term; or

(b) under paragraph 6 or 7 of section 3, the board may appoint another person as a member for the remainder of the unexpired term.

7. The board may, by resolution passed by a two-thirds vote of the members present at a meeting duly called for the purpose, declare the seat of any member elected under paragraphs 6 and 7 of section 3 to be vacant. Termination of membership

2. Nothing in this Act affects the appointment of any member of the corporation who was holding office immediately prior to the coming into force of this Act. Saving

3. This Act comes into force on the day it receives Royal Assent. Commencement

4. The short title of this Act is the *Greater Niagara General Hospital Act, 1981*. Short title

CHAPTER 87

An Act respecting the Town of Huntsville

Assented to December 3rd, 1981

WHEREAS The Corporation of the Town of Huntsville, Preamble
herein called the Corporation, hereby applies for special
legislation in respect of the matters hereinafter set forth; and
whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts as
follows:

1.—(1) The council of the Corporation may enter into an Agreements
for relief
from
requirements
to provide
parking
agreement with the owner or occupant of a building or structure
erected or used, or to be erected or used, for a purpose permitted
by the Corporation's by-laws providing for relief, to the extent
set out in the agreement, from any requirement in any by-law of
the Corporation for the provision or maintenance of parking
facilities on land that is not part of a highway, and exempting
such owner or occupant, to the extent specified in the agreement,
from the necessity of providing or maintaining such facilities.

(2) Every agreement referred to in subsection (1) shall, Idem

- (a) be subject to the approval of the Ontario Municipal
Board given either before or after the execution thereof;
- (b) require the payment to the Corporation of a sum of
money therein set out, either in a lump sum or by in-
stalments, together with interest at a rate therein
specified, and setting forth the basis upon which the
sum of money is calculated; and
- (c) where the agreement provides for payment by instal-
ments, be executed by all prior mortgagees or other
encumbrancers to postpone their encumbrance in
favour of the said agreement.

(3) All moneys paid or to be paid in accordance with an Payments
under
agreements
held as
fund for
purpose of
parking
facilities
agreement made under subsection (1) shall be paid into a special
account and may be invested in such securities as a trustee may

R.S.O. 1980,
cc. 512, 302

invest in under the *Trustee Act*, and the earnings derived from the investment of such moneys shall be paid into such special account, and the moneys in such special account shall be expended for the same purposes and in the same manner as a reserve fund provided for in paragraph 55 of section 208 of the *Municipal Act*.

Audit of
fund

(4) The auditor of the Corporation, in his annual report, shall report on the activities and position of any special account established under this section.

Registration
of agreement
imposes lien
on land

(5) An agreement made under subsection (1) may be registered against the title of the land affected thereby in the proper land registry office, and, when so registered, the amounts payable under the agreement shall, until paid, be a lien or charge upon the lands described therein.

Default of
payment

(6) In the event of default of payment under an agreement registered under subsection (5) for a period of one year from the date any payment is due, the amount in default may be collected in the same manner and with the same remedies as provided by the *Municipal Affairs Act* for the collection of real property taxes.

R.S.O. 1980,
c. 303

Certificate of
payment or
termination

(7) Upon payment in full of the moneys to be paid under an agreement registered under subsection (1) or upon termination of such an agreement, the clerk of the Corporation shall, at the request of the owner of the land or other person entitled under the agreement, provide a certificate in a form registrable in the proper land registry office, certifying that the moneys to be paid under the agreement have been fully paid or that the agreement has been terminated.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is the *Town of Huntsville Act, 1981*.

CHAPTER 88

An Act to revive Jacinta Investments Limited

Assented to December 3rd, 1981

WHEREAS Ron Guidolin and Grace M. Guidolin hereby Preamble
represent that Jacinta Investments Limited, herein called
the Corporation, was incorporated by letters patent dated the
16th day of December, 1968; that the Minister of Consumer and
Commercial Relations, by order dated the 21st day of February,
1979 and made under the authority of subsection 251 (3) of *The
Business Corporations Act*, being chapter 53 of the Revised Sta-
tutes of Ontario, 1970, cancelled the certificate of incorporation
of the Corporation for failure to comply with *The Corporations
Tax Act, 1972*, being chapter 143, and declared it to be dissolved
on the 21st day of February, 1979; that the applicants were all
the directors and the holders of all the common shares of the
Corporation at the time of its dissolution; that the applicants
have remedied the default that caused the cancellation; that the
Corporation at the time of its dissolution owned real property
and that the Corporation at the time of its dissolution was carry-
ing on active business and since that time active business has
continued to be carried on in the name of the Corporation; and
whereas the applicants hereby apply for special legislation
reviving the Corporation; and whereas it is expedient to grant the
application;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts as
follows:

1. Jacinta Investments Limited is hereby revived and is, Jacinta
Investments
Limited
revived
subject to any rights acquired by any person after its dissolution,
hereby restored to its legal position as a company incorporated by
letters patent, including all its property, rights, privileges and
franchises and subject to all its liabilities, contracts, disabilities
and debts as at the date of its dissolution in the same manner and
to the same extent as if it had not been dissolved.

2. This Act comes into force on the day it receives Royal Commence-
ment
Assent.

3. The short title of this Act is the *Jacinta Investments Lim- Short title
ited Act, 1981.*

CHAPTER 89

An Act respecting the City of Kanata

Assented to December 3rd, 1981

WHEREAS The Corporation of the City of Kanata, herein Preamble
called the Corporation, hereby applies for special legislation
related to accommodation leased by the said Corporation at 150
Katimavik Road in the City of Kanata in order to house its civic
administration; and whereas it is expedient to grant the applica-
tion;

Therefore, Her Majesty, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario, enacts as
follows:

1. The Corporation shall, with respect to the agreements Deemed
assent of
electors and
approvals
made prior to the day this Act comes into force, for the rental by
the Corporation from Campeau Corporation of premises located
at 150 Katimavik Road in the City of Kanata, be deemed for all
purposes to have obtained the assent of the electors with respect
to every by-law related to the agreements and to have obtained
all necessary Ontario Municipal Board approvals related to the
agreements and by-laws.

2. Section 1 does not apply to any renewal or extension of any Non-
application
of s. 1
rental agreement related to the premises referred to in that sec-
tion whether the renewal or extension is made pursuant to a term
in an agreement to which that section applies or otherwise.

3. This Act comes into force on the day it receives Royal Commence-
ment
Assent.

4. The short title of this Act is the *City of Kanata Act, 1981*. Short title

CHAPTER 90

An Act respecting the City of Kitchener

Assented to November 19th, 1981

WHEREAS The Corporation of the City of Kitchener considers it expedient to establish a corporation to maintain, operate and manage the Theatre known as The Centre In The Square in the public interest; and whereas it is in the public interest to implement the objects of the corporation; and whereas the applicant hereby applies for special legislation for such purpose; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpretation

- (a) "board" means the board of directors of the corporation;
- (b) "City" means The Corporation of the City of Kitchener;
- (c) "corporation" means The Centre In The Square Inc.;
- (d) "council" means the council of the City;
- (e) "Theatre" includes the enterprise, structure and land located in the area of the City known as "MacKenzie King Square" and being the theatre and the studio and any other facilities within the City that may be available to or used from time to time by the corporation and maintained, operated and managed as a going concern for the objects set forth in this Act.

2.—(1) There is hereby constituted a corporation without share capital under the name of "The Centre In The Square Inc."

Corporation established

- (2) The corporation shall have a corporate seal.

Seal

Head office

(3) The head office of the corporation shall be at the City of Kitchener.

Objects

3. The objects of the corporation are,

- (a) to maintain, operate and manage the Theatre in the public interest;
- (b) to provide theatrical facilities and services of every kind within the City of Kitchener for,
 - (i) amusement, entertainment and exhibition,
 - (ii) receptions, meetings and displays,
 - (iii) educational and cultural activities, and
 - (iv) the performing arts, including dramatic, theatrical, musical and artistic works;
- (c) to promote the development of its facilities as a centre for amusement, entertainment and exhibition;
- (d) to promote or present meetings, receptions or displays;
- (e) to promote or present educational and cultural activities;
- (f) to promote, produce or present the performing arts, including theatrical, dramatic, musical and artistic works;
- (g) to print, publish and sell materials relating to the operation of its facilities, which materials shall, without limiting the foregoing, include books, magazines, periodicals, pamphlets, brochures, librettos and posters; and
- (h) to produce and sell electronic reproductions of performances and shows, which reproductions shall, without limiting the foregoing, include records, tapes and television recordings.

Board of directors

4. The board shall be composed of nine directors of whom,

- (a) three directors shall be members of the council; and
- (b) six directors shall not be members of the council.

Directors

5.—(1) The council shall appoint the directors by by-law.

(2) At least one director shall be a nominee of The Kitchener- Waterloo Symphony Orchestra Association, Inc. and at least one director shall be a nominee of The Kitchener-Waterloo Art Gallery. Idem

(3) The directors who are members of council shall be appointed for a term of office not exceeding their term of office on council. Idem

(4) The directors who are not members of council shall be appointed for terms of office as follows: Idem

1. Three first directors shall be appointed for a term of two years.
2. Three first directors shall be appointed for a term of three years.
3. Directors appointed after the first directors shall be appointed for a term of three years.

(5) The council may at any time terminate the term of office of any director by by-law passed by a vote of at least two-thirds of the members thereof. Termination

(6) Where a vacancy occurs in the board for any cause, the council shall appoint a director, as soon as possible, to hold office for the remainder of the term for which his predecessor was appointed. Vacancy

(7) The council may re-appoint a director upon the expiration of his term of office. Re-
appointment

6.—(1) The council may entrust to the corporation the maintenance, operation and management of the real property or any part thereof owned by the City comprised in the Theatre. Management

(2) The annual budget or any part thereof of the corporation shall be subject to the approval of the council. Budget

(3) The council may require the corporation to report to the council on any matter relating to the carrying out of the objects of the corporation. Reports

7.—(1) The directors shall elect annually a chairman and vice-chairman from amongst themselves. Chairman
and vice-
chairman

(2) The vice-chairman shall act in the place and stead of the chairman when the chairman is absent. Powers of
vice-
chairman

Quorum	8. —(1) A majority of directors, including at least one member of council, constitutes a quorum.
Votes	(2) Each director shall have only one vote.
Vacancy	(3) When there is a vacancy or vacancies on the board, the remaining directors may exercise all the powers of the board so long as a quorum of the board remains in office.
Compensation	9. The directors may serve without compensation or with compensation in such amount as the council may determine.
Meetings	10. —(1) Unless varied by by-law of the board, meetings of the board shall be held at least six times each year.
Notice	(2) A meeting shall be called upon service of a written notice of meeting upon each director not later than two days preceding the date and time fixed for the meeting specifying the purpose of the meeting.
Record	11. —(1) A record of all meetings shall be kept in a book kept for that purpose.
Minutes	(2) All minutes, orders, directions and proceedings shall be entered into the book.
Idem	(3) All minutes shall be signed by the chairman of the meeting, or in his absence, by the vice-chairman, at which proceedings were held and by the secretary of the corporation.
Secretary	12. —(1) The board may appoint a secretary to the corporation.
Duties	(2) The duties of the secretary shall be to, <ul style="list-style-type: none">(a) call such meetings as may be required under this Act;(b) keep all minutes of meetings and proceedings of the board;(c) submit to the board at each of its meetings the minutes of the next preceding meeting of the board; and(d) perform such duties as the board may from time to time direct.
Staff	13. —(1) The corporation may appoint, hire, or otherwise engage officers, servants, employees, agents, performers or others as it requires to perform its duties and exercise its powers for the proper conduct of its business conducive to the objects of the corporation.

(2) The corporation may determine the qualifications, responsibilities, duties, positions, remuneration, terms and conditions of employment or service of persons hired including performers and other persons conducive to the objects of the corporation. Qualifications

(3) The corporation may incur, within the limits of the approved budget, expenses and pay salaries, fees and any other sums of money required by the board for the carrying out of its duties and affairs and the exercise of powers under this Act, including all expenses necessarily incurred in connection therewith. Expenditure of moneys

14.—(1) The board shall appoint a general manager who shall be the chief executive officer of the corporation. General manager

(2) The general manager shall not be a director. Idem

(3) The board may delegate to the general manager the exercise of such power and authority as it may determine for the proper conduct of the business conducive to the objects of the corporation. Idem

15.—(1) In addition to the powers and duties of a corporation referred to in section 26 of the *Interpretation Act*, the corporation has the following powers: Additional powers of corporation
R.S.O. 1980,
c. 219

1. To carry on in the Theatre all or any of the operations of a theatre, music hall, concert hall, ballroom and cinema and catering for public and private amusements and entertainments of every description.

2. To present, produce, manage, conduct and represent plays, dramas, comedies, operas, revues, promenade and other concerts, musical and other pieces, ballets, shows, exhibitions, variety and other entertainment.

3. To establish educational facilities and provide instruction in all areas of the performing arts.

4. Subject to the *Liquor Licence Act* and the regulations made thereunder, to carry on in the Theatre for the convenience of customers and patrons the business of soft drinks, alcoholic drinks, tobacco, cigar and cigarette merchants and retailers, confectioners and restaurants and refreshment room keepers or proprietors, or any of such operations. R.S.O. 1980,
c. 244

5. To carry on any other operations which may seem to the board capable of being conveniently carried on in connection with its operation or calculated directly or

indirectly to enhance the value of or render profitable any of the board's operations.

Idem

(2) In addition to the powers vested in the corporation under subsection (1), the corporation has the following powers:

1. To enact by-laws and pass resolutions for the better operation, government and control of its affairs and undertakings.
2. To enter into agreements, leases, licences or any other formal or informal arrangements for the purposes of this Act.
3. To accept, receive, take, hold or enjoy by grant, conveyance, gift, voluntary donation, devise or bequest any real or personal property upon terms, if any, expressed or implied, including the investment of any moneys for the purposes of the corporation or conducive to the attainment of the objects and the exercise of the powers of the corporation.
4. To sell, lease, convey or otherwise dispose of or convert into money, real or personal property referred to in paragraph 3.
5. To fix, from time to time, fees, admissions, rates, rentals and any other charges for the use of the Theatre or any other facilities provided.
6. To collect and receive all moneys becoming due in consequence of the maintenance, management and operation of the Theatre and to receive rent from the Art Gallery, Orchestra or any other organization resident in the premises.
7. To carry out all or any of the objects of the corporation and to do all or any of the above things as principals, agents, contractors or otherwise.
8. To do all such other things as are incidental or conducive to the attainment of the objects and exercise of the powers of the corporation.

Exercise
of powers

(3) The corporation may exercise any of its powers by resolution of the board except where some other mode of exercising any power is prescribed by this Act.

Personal
property

16.—(1) The corporation may acquire personal property necessary for its purpose and may sell or otherwise dispose of any personal property acquired by it.

(2) Subject to the approval of the council, the corporation may purchase real property necessary for its purpose and sell, lease or otherwise dispose of any real property acquired by it. Real property

17.—(1) The corporation shall keep or cause to be kept proper books of account and accounting records with respect to all financial and other transactions of the corporation including, without limiting the generality of the foregoing, Records

(a) records of all such sums of money received from any source whatsoever and disbursed in any manner whatsoever; and

(b) records of all matters with respect to which receipt and disbursements take place in consequence of the maintenance, operation and management of the Theatre.

(2) The corporation shall keep or cause to be kept and maintained all such books of accounts and accounting records as the City Treasurer may require. Idem

(3) The accounts and transactions of the corporation shall be audited by the auditor of the City. Audit

18.—(1) The corporation shall prepare or cause to be prepared annually at the commencement of each calendar year a detailed budget of estimated revenue and expenditure, as the City Treasurer may require. Budget

(2) The corporation shall submit the estimates to council not later than the 14th day of January in each year. Estimates

(3) The corporation shall cause an annual report to be prepared and audited. Annual report

(4) The corporation shall submit the annual report to council not later than the 31st day of March in each year. Idem

(5) The fiscal period of the corporation shall be the same as the fiscal period of the City. Fiscal period

19. No budget of estimated revenues and expenditures shall be adopted and implemented by the corporation for any fiscal period unless prior approval is received from council. Approval of council

20. The corporation shall be deemed not to be a local board of the City except for the purposes of the *Ontario Municipal Employees Retirement System Act* and the *Assessment Act*. Corporation deemed not local board
R.S.O. 1980,
cc. 348, 31

21.—(1) Subject to subsection (2), every director and officer of the corporation and his heirs, executors, administrators and Indemnification of directors

other legal personal representatives may from time to time be indemnified and saved harmless by the corporation from and against,

- (a) any liability and all costs, charges and expenses that he sustains or incurs in respect of any action, suit or proceeding that is proposed or commenced against him for or in respect of anything done or permitted by him in respect of the execution of the duties of his office; and
- (b) all other costs, charges and expenses that he sustains or incurs in respect of the affairs of the corporation.

Limitation

(2) No director or officer of the corporation shall be indemnified by the corporation in respect of any liability, costs, charges or expenses that he sustains or incurs in or about any action, suit or other proceeding as a result of which he is adjudged to be in breach of any duty or responsibility imposed upon him under this Act or under any other statute unless, in an action brought against him in his capacity as director or officer, he has achieved complete or substantial success as a defendant.

Insurance

(3) The corporation may purchase and maintain insurance for the benefit of a director or officer thereof, except insurance against a liability, cost, charge or expense of the director or officer incurred as a result of his failure to exercise the powers and discharge the duties of his office honestly, in good faith and in the best interests of the corporation, exercising in connection therewith the degree of care, diligence and skill that a reasonably prudent person would exercise in comparable circumstances.

Corporation deemed not to be tenant or carrying on business for purposes of R.S.O. 1980, c. 31

22. For the purposes of the *Assessment Act*, the corporation shall be deemed not to be,

- (a) a tenant or lessee who is liable to taxation; or
- (b) occupying the Theatre for the purpose of or in connection with any business or carrying on of business.

Dissolution

23. Upon the dissolution of the corporation and upon the payment of all debts and liabilities, its remaining property shall vest in the City free and clear of all claims, charges, liens or encumbrances of any kind.

Commencement

24. This Act comes into force on the day it receives Royal Assent.

Short title

25. The short title of this Act is the *City of Kitchener Act, 1981*.

CHAPTER 91

An Act respecting Kleven Bros. Limited*Assented to November 19th, 1981*

WHEREAS Thomas Kleven, Agnar Kleven and Helge Kleven hereby represent that Kleven Bros. Limited, hereinafter called the Corporation, was incorporated by letters patent dated the 15th day of January, 1959; that the Minister of Consumer and Commercial Relations by order dated the 5th day of July, 1972 and made under the authority of subsection 251 (3) of *The Business Corporations Act*, being chapter 53 of the Revised Statutes of Ontario, 1970, cancelled the letters patent of the Corporation for default in filing annual returns and declared it to be dissolved on the 9th day of August, 1972; that the applicants were all the directors and holders of the common shares of the Corporation at the time of its dissolution; that the default in filing annual returns occurred through inadvertence; that the Corporation at the time of dissolution was not carrying on active business but did have property holdings; and whereas the applicants hereby apply for special legislation reviving the Corporation; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Kleven Bros. Limited is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position as a company incorporated by letters patent, including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts as at the date of its dissolution, in the same manner and to the same extent as if it had not been dissolved.

Kleven
Bros.
Limited
revived

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. The short title of this Act is the *Kleven Bros. Limited Act*, 1981.

Short title

CHAPTER 92

An Act respecting the County of Lambton

Assented to June 17th, 1981

WHEREAS The Corporation of the County of Lambton hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,Interpre-
tation

- (a) "council" means the council of the County;
- (b) "County" means The Corporation of the County of Lambton;
- (c) "local municipality" means a town, village or township in the County that is not separated therefrom for municipal purposes;
- (d) "municipal electors" means the persons entitled to vote at a municipal election;
- (e) "vote" or "votes" means the vote or votes of a member of the council.

2. Notwithstanding sections 27, 28 and 29 of the *Municipal Act*, membership on the council and the votes of such members shall be as follows:

County
council:
composition
of and
votes on
R.S.O. 1980,
c. 302

- 1. Where a local municipality has less than 1,000 municipal electors, the reeve only shall be a member of the council and shall have one vote.
- 2. Where a local municipality has not less than 1,000 and not more than 2,500 municipal electors, the reeve and deputy reeve shall be members of the council and each shall have one vote.

3. Where a local municipality has more than 2,500 but not more than 4,000 municipal electors, the reeve and the deputy reeve shall be members of the council and the reeve shall have two votes and the deputy reeve shall have one vote.
4. Where a local municipality has more than 4,000 but not more than 6,500 municipal electors, the reeve and the deputy reeve shall be members of the council and each shall have two votes.
5. Where a local municipality has more than 6,500 but not more than 10,000 municipal electors, the reeve and the deputy reeve shall be members of the council and the reeve shall have three votes and the deputy reeve shall have two votes.
6. Where a local municipality has more than 10,000 municipal electors, the reeve and the deputy reeve shall be members of the council and each shall have three votes.

Application of
R.S.O. 1980,
c. 302

3. Subsection 36 (2) and section 66 of the *Municipal Act* apply with necessary modifications to this Act.

Commence-
ment

4. This Act comes into force on the 1st day of December, 1982.

Short title

5. The short title of this Act is the *County of Lambton Act, 1981*.

CHAPTER 93

**An Act respecting the
Latvian Canadian Cultural Centre***Assented to November 19th, 1981*

WHEREAS the Latvian Canadian Cultural Centre, herein called the Corporation, hereby represents that it was incorporated by letters patent dated the 22nd day of February, 1977; that the Corporation is a registered charitable organization within the meaning of the *Income Tax Act* (Canada); that the Corporation acquired a freehold interest in lands and premises known municipally as 4 Credit Union Drive, in the City of North York, on the 1st day of June, 1979; that the Corporation intends to use the said lands and premises as a cultural and recreational centre; and whereas the Corporation hereby applies for special legislation to exempt the aforesaid real property, occupied and used by it in the City of North York, from municipal taxation, except for local improvement rates; and whereas it is expedient to grant the application;

Preamble

R.S.C. 1952,
c. 148

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. So long as the lands described in the Schedule hereto are used for the purposes of the Corporation, they shall be exempt from taxes for municipal and school purposes.

Tax
exemption

2. For the purposes of subsection 219 (8) of the *Municipality of Metropolitan Toronto Act*, the exemption from taxation granted under section 1 shall be deemed to be an exemption provided under section 3 of the *Assessment Act*.

Deemed
exemption
R.S.O. 1980,
cc. 314, 31

3. For the period commencing on the 1st day of June, 1979 and ending on the day this Act comes into force,

Reimburse-
ment of
taxes

- (a) The Corporation of the City of North York may, by by-law, reimburse the Corporation for municipal taxes; and
- (b) The Metropolitan Toronto School Board may, by resolution, reimburse the Corporation for school taxes,

or any portion thereof paid by the Corporation in respect of the lands described in the Schedule.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. The short title of this Act is the *Latvian Canadian Cultural Centre Act, 1981*.

SCHEDULE

That parcel of land situate in the City of North York, in The Municipality of Metropolitan Toronto, described as Parcel 12104 in the register for section East York in the land registry office for the Land Titles Division of Metropolitan Toronto (No. 66).

CHAPTER 94

An Act respecting the Town of Lincoln

Assented to November 19th, 1981

WHEREAS The Corporation of the Town of Lincoln, herein Preamble
called the Corporation, hereby applies for special legisla-
tion in respect of the matters hereinafter set forth; and whereas it
is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts as
follows:

1.—(1) The council of the Corporation may enter into an Agreements for relief from requirements to provide parking
agreement with the owner or occupant of a building or structure
erected or used, or to be erected or used, for a purpose permitted
by the Corporation's by-laws providing for relief, to the extent
set out in the agreement, from any requirement in any by-law of
the Corporation for the provision or maintenance of parking
facilities on land that is not part of a highway, and exempting
such owner or occupant, to the extent specified in the agreement,
from the necessity of providing or maintaining such facilities.

(2) Every agreement referred to in subsection (1) shall, Approval of O.M.B., etc.

- (a)** be subject to the approval of the Ontario Municipal Board given either before or after the execution thereof;
- (b)** require the payment to the Corporation of a sum of money therein set out, either in a lump sum or by instalments, together with interest at a rate therein specified, and setting forth the basis upon which the sum of money is calculated; and
- (c)** where the agreement provides for payment by instalments, be executed by all prior mortgagees or other encumbrancers to postpone their encumbrance in favour of the said agreement.

Payments under agreements held as fund for purpose of parking facilities,

R.S.O. 1980, c. 512

R.S.O. 1980, c. 302

Audit of fund

Registration of agreement imposes lien on land

Default of payment

R.S.O. 1980, c. 303

Certificate of payment termination

Commencement

Short title

(3) All moneys paid or to be paid in accordance with an agreement made pursuant to subsection (1) shall be paid into a special account and may be invested in such securities as a trustee may invest in under the *Trustee Act*, and the earnings derived from the investment of such moneys shall be paid into such special account, and the moneys in such special account shall be expended for the same purposes and in the same manner as a reserve fund provided for in paragraph 55 of section 208 of the *Municipal Act*.

(4) The auditor of the Corporation, in his annual report, shall report on the activities and position of any special account established under this section.

(5) An agreement made pursuant to subsection (1) may be registered against the title of the land affected thereby in the proper land registry office and, when so registered, the amounts payable under the agreement shall, until paid, be a lien or charge upon the lands described therein.

(6) In the event of default of payment under an agreement registered under subsection (5) for a period of one year from the date any payment is due, the amount in default may be collected in the same manner and with the same remedies as provided by the *Municipal Affairs Act* for the collection of real property taxes.

(7) Upon payment in full of moneys to be paid under an agreement registered under subsection (1), or upon termination of such an agreement, the treasurer-administrator of the Corporation shall, at the request of the owner of the land or other person entitled under the agreement, provide a certificate in a form registrable in the proper land registry office, certifying that the moneys to be paid under the agreement have been fully paid or that the agreement has been terminated.

2. This Act comes into force on the day it receives Royal Assent.

3. The short title of this Act is the *Town of Lincoln Act, 1981*.

CHAPTER 95

An Act to incorporate London Baptist Bible College and London Baptist Seminary*Assented to June 17th, 1981*

WHEREAS London Baptist Seminary hereby represents that Preamble
it was incorporated by letters patent, dated the 17th day of September, 1976, under the name "London Baptist Seminary" for the purpose of establishing and carrying on a Bible Seminary and for providing a training program in the Bible for young people called to the Ministry; that since that time London Baptist Seminary, in affiliation with Piedmont Bible College, has been granting diplomas in education and the degrees of Bachelor of Theology, Bachelor of Religious Education, Master of Religious Education and Master of Divinity; and whereas the applicant hereby applies for special legislation providing for the continuance of its organization, government and administration, to exercise suitable powers, rights and privileges, including the power to grant appropriate degrees in the field of religious study; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act,**Interpre-
tation**

- (a) "academic dean" means a dean of a faculty, school, institute, department or other academic division of the College so designated by the Board;
- (b) "academic unit" means a faculty, school, institute, department or other academic division of the College so designated by the Board;
- (c) "Alumni Association" means the association of individuals who have received degrees, diplomas or certificates from the College;
- (d) "Board" means the Board of Governors of the College;

- (e) "Charter Corporation" means London Baptist Seminary as it existed immediately prior to the coming into force of this Act;
- (f) "College" means London Baptist Bible College and London Baptist Seminary as incorporated by this Act;
- (g) "faculty" means all persons employed by the College to teach or give instruction at the College;
- (h) "student" means a person who has registered as such in a program or course of study at the College leading to a degree, diploma or certificate of the College;
- (i) "supporting church" means a church, which provides support, including financial support, for the philosophy, objects and operation of the College, and which has been designated as a supporting church by a by-law of the College;
- (j) "year" means the membership year of the Board and shall be any twelve-month period established from time to time by the Board.

Conflict with
R.S.O. 1980,
c. 95

(2) In the event of a conflict between any provision of this Act and any provision of the *Corporations Act*, the provision of this Act prevails.

Charter
Corporation
re-
incorporated

2.—(1) The Board of Governors of the College is hereby constituted a body corporate with perpetual succession and a common seal under the name of "London Baptist Bible College and London Baptist Seminary".

Rights and
liabilities
continued

(2) The property, rights, privileges and powers of the Charter Corporation are hereby continued and vested in the College and the liabilities of the Charter Corporation together with the benefits and burdens of all contracts and covenants of the Charter Corporation are hereby continued in and assumed by the College.

By-laws, etc.,
continued

(3) Subject to this Act, all by-laws, resolutions and appointments of the Charter Corporation shall continue as by-laws, resolutions and appointments of the College until amended, repealed or revoked.

Charter
Corporation
dissolved

(4) The Charter Corporation is dissolved on the day this Act comes into force.

Objects and
purposes

3. The objects and purposes of the College are,

(a) to provide post-secondary training programs for individuals called to the Ministry and to equip and encourage them,

(i) to preach effectively,

(ii) to evangelize, and

(iii) to establish and develop churches in Canada and throughout the world;

(b) to develop the devotional and spiritual life of the student; and

(c) to encourage each student to develop a mastery of the content of the Bible and to help the student to develop Christian character.

4.—(1) The affairs of the College shall be managed by the Board of Governors.

(2) The Board shall consist of not fewer than ten persons or more than fifteen persons, as determined from time to time by the Board, by by-law.

(3) No person shall be elected as a member of the Board unless the person is a member in good standing of a fundamental Baptist Church and is in full agreement with the doctrinal statement of the College and is a Canadian citizen.

(4) The first members of the Board shall be the persons named in the Schedule hereto.

(5) The President of the College, the Chairman of the Advisory Council, if there is an Advisory Council, and the President of the Alumni Association shall be *ex officio* members of the Board.

(6) The members of the Board, other than those referred to in subsection (5), shall be elected by secret ballot by the existing Board at the annual meeting referred to in subsection 6 (3) and shall serve as members for a term of three years.

(7) At least 75 per cent of the elected members of the Board shall be members of supporting churches.

(8) Notwithstanding subsection (6), the Board may by by-law provide for the election and retirement in rotation of the first members of the Board and, notwithstanding any other provision of this Act, may determine that one or more of the first members of the Board shall serve for an initial period of less than three years.

Re-election,
maximum term
of office

(9) No elected member of the Board shall serve for more than three consecutive terms but a member who has served for three consecutive terms shall again be eligible for election to the Board on the expiration of one year after having completed the third of three consecutive terms.

Idem

(10) Service on the Board of the Charter Corporation prior to the day this Act comes into force, service on the Board for a period of less than three years by any first member of the Board under subsection (8), service on the Board as an *ex officio* member, or service on the Board for the balance of an unexpired term by a member elected under subsection (14) does not constitute service of all or part of a term or terms for the purposes of subsection (9).

Dismissal
for cause

(11) Notwithstanding any other provision in this Act, any member of the Board may bring a motion before a meeting of the Board to dismiss for cause an elected Board member.

Notice

(12) Notice of a motion brought under subsection (11) shall be given to every member of the Board by sending the notice by prepaid mail thirty days or more before the date of the meeting to the latest address shown on the records of the College for each member.

Special
majority

(13) A motion brought under subsection (11) shall be voted on by secret ballot and the motion shall be passed if it receives at least two-thirds of the votes cast at the meeting.

Vacancies

(14) Where a vacancy occurs among the elected members of the Board, the remaining members of the Board shall forthwith call a meeting of the Board to elect a new member to fill the vacancy on the Board, and the person so elected shall serve for the balance of the unexpired term of the vacating member.

Quorum

(15) Unless the by-laws otherwise provide, a majority of the Board constitutes a quorum for the transaction of business, but in no case shall the quorum be less than a majority of the Board.

Votes

(16) Subject to subsections (13) and (17), all by-laws and resolutions of the Board shall be passed by a majority of the votes cast at the meeting of the Board.

Unanimous
vote

(17) Any by-law or resolution of the Board which in any way alters the doctrinal statement of the College, as laid down by by-law, shall be passed only upon the approval of all Board members.

Casting
vote

(18) In case of an equality of votes, the Chairman of the Board, in addition to his original vote, shall have a second and deciding vote.

5.—(1) The Board shall elect annually from among its members and by secret ballot, a chairman who shall preside at all meetings of the Board and a vice-chairman, and the chairman and vice-chairman shall both be eligible for re-election. Chairman and vice-chairman

(2) The Board shall elect annually a secretary, a treasurer and such other officers as the Board may determine from time to time, who shall all be eligible for re-election for successive terms and the secretary, the treasurer and the other officers elected under this subsection need not be members of the Board. Secretary, treasurer, etc.

(3) If the chairman is absent for any reason or that office is vacant, the vice-chairman shall act as and have all the powers of the chairman. Vice-chairman

(4) The secretary shall keep an accurate record of all transactions of the Board, and provide each member of the Board with a copy of the minutes of each meeting as soon as practicable after such meeting, and shall superintend all correspondence on behalf of the Board. Duties of secretary

(5) The treasurer shall oversee the receipts, expenditures and recording of all financial transactions of the College. Duty of treasurer

(6) If any office referred to in this section is vacant or if for any reason any officer is unable to act, the Board may designate another eligible person to act in that behalf. Vacancies

6.—(1) The Board shall meet every two months and at such other times as the chairman of the Board, or in his absence the vice-chairman of the Board, deems necessary. Board meetings

(2) Any two members of the Board may request an extraordinary meeting of the Board upon written notice being sent to every other member of the Board at the latest address shown on the records of the College for each member. Extraordinary meeting

(3) In addition to its other meetings, the Board shall hold an annual meeting once in each calendar year. Annual meeting

7. The Board has all powers necessary or convenient to perform its duties and achieve the objects and purposes of the College including, without limiting the generality of the foregoing, the power, Powers of Board

(a) to enact by-laws for the conduct of its affairs;

(b) to establish and terminate programs and courses of study after consideration of the recommendations, if any, of the Academic Council and the faculty;

- (c) to appoint, promote, suspend and remove administrative officers of the College and the members of the administrative staff;
- (d) to appoint and promote the academic officers and members of the faculty;
- (e) to grant leave to and to suspend and remove the academic officers and members of the faculty;
- (f) to define the duties of the academic officers, the faculty, the administrative officers and the administrative staff, and to fix their salaries and remuneration, and to provide for further benefits for all such people, including, without limiting the generality of the foregoing, the provision for the retirement of such people, and to create any funds necessary for that purpose either with the money of the College or by contributions from such people, or from a combination of both;
- (g) to establish, change and terminate academic units within the College and determine the powers and duties of any such unit;
- (h) to appoint committees and to delegate to any such committee the power and authority to act for the Board with respect to any matter or class of matters, provided that where power and authority to act for the Board are delegated to a committee a majority of the members of the committee shall be members of the Board;
- (i) to federate or affiliate the College with any other institution of higher learning, and to dissolve any such federation or affiliation or any existing federation or affiliation or modify or alter the terms thereof;
- (j) to establish and collect fees and charges for tuition and for services of any kind offered by the College and collect fees and charges on behalf of any entity, organization or element of the College;
- (k) to borrow money for the purposes of the College and give security therefor on such terms and in such amounts as it may deem advisable;
- (l) to invest all money, which comes into the College and is not required to be expended, for any purpose to which it lawfully may be applied, subject always to any express limitations or restrictions on investment powers imposed by the terms of same, in such manner as it

considers proper and, except where a trust instrument otherwise directs, to combine trust moneys belonging to those trusts in its care into a common trust fund;

- (m) to acquire, accept, solicit or receive, by purchase, lease, deed, contract, donation, legacy, gift, grant, bequest, devise or otherwise, any kind of real or personal property and to enter into and carry out agreements, contracts and undertakings incidental thereto and to hold any such property for the purpose of drawing revenues therefrom, and to sell, lease, mortgage, dispose of and convey the same or any part thereof or interest therein as the Board may consider advisable;
 - (n) to hold, manage, sell or convert any of the real or personal property from time to time owned by the College and to invest and reinvest any principal in such manner as may from time to time be determined;
 - (o) to acquire and maintain such real property, equipment and furnishings as the Board may consider necessary for the operation of the College, and to erect, maintain, equip and furnish such other buildings and structures as the Board may consider necessary for the purposes of the College including residences and dining halls for the use of the faculty, administrative staff and students of the College;
 - (p) to make such rules and regulations as the Board may consider necessary respecting the management and control of residences and dining halls and the property and operation of the College in general;
 - (q) to appoint a member or members of the Board or any other person or persons to execute on behalf of the Board,
 - (i) documents and other instruments in writing generally, or
 - (ii) specific documents and other instruments in writing,
- and to affix the corporate seal of the College thereto;
- (r) to enact by-laws to regulate the admission of individuals, who are members of a fundamental Baptist church, who are in full accord with and subscribe to the doctrinal statement of the College as set out in the by-laws, and who are in agreement with the philosophy and

objects of the College, as members of the Board, and as faculty of the College;

- (s) to adopt and from time to time amend the doctrinal statement of the College;
- (t) to create one or more advisory bodies and to determine the composition, functions and procedures of any such body; and
- (u) to designate any church as a supporting church of the College.

President

8.—(1) The College shall be administered by a President appointed by and under the direction of the Board of Governors.

Duties of
President

(2) The President is responsible for the direction of the administrative staff and the faculty, and, as a Board member, may participate in all Board meetings except when the subject-matter of any meeting relates directly to his person or salary, during which discussions he may be excluded from the meeting.

Academic
Council

9.—(1) There shall be an Academic Council of the College composed of,

- (a) the President of the College;
- (b) the Deans of Students;
- (c) all academic deans;
- (d) at least three faculty members, the number to be determined from time to time by the Academic Council, to be elected by secret ballot by the faculty; and
- (e) at least two students, the number to be determined from time to time by the Academic Council, to be elected by secret ballot by the students.

Powers and
duties

(2) The Academic Council has the following powers and duties:

1. To make recommendations to the Board to establish and terminate programs and courses of study.
2. To determine the curricula of all programs and courses of study, standards of admission to the College and continued registration therein, and the qualifications for graduation.

3. To conduct examinations, appoint examiners and decide all matters related to examinations and the appointment of examiners.
4. To award fellowships, scholarships, bursaries, medals, prizes and other marks of academic achievement.
5. To award diplomas and certificates and to grant the degrees of Bachelor of Theology, Bachelor of Religious Education, Bachelor of Sacred Music, Master of Theology, Master of Religious Education, Master of Theological Studies, Master of Sacred Music, Master of Divinity, and Master of Biblical Studies.
6. To appoint committees and delegate thereto the power and authority to act for them with respect to any matter or class of matters set out in paragraphs 1 to 5, but where such power and authority to act are delegated to a committee, a majority of the members of the committee shall be members of the Academic Council or the faculty or a combination thereof.
7. Subject to clauses (1) (*d*) and (*e*), to determine from time to time the number of faculty and student members appointed to the Academic Council, and to determine the term of office of one, two or three years, as the case may be, for each such member.
8. To determine the procedures to be followed in the election of members of the Academic Council, to conduct such elections, and to determine any dispute as to the eligibility of a candidate at such election or of a person to vote thereat.
9. To determine the procedures to be followed in the conduct of its affairs.
10. To do all things necessary for carrying out the powers and duties as set out in paragraphs 1 to 9.

(3) The President shall be the chairman of the Academic Council. Academic Council chairman

10.—(1) Subject to subsections (2) and (3), the meetings of the Board and the Academic Council shall be open to the public and prior notice of meetings shall be given to the members of the Board or the Academic Council, as the case may be, and to the public in such manner as the Board or Academic Council shall respectively determine and no persons shall be excluded from a meeting except for improper conduct as determined by the Board or the Academic Council, as the case may be. Meetings open to public

Confidential matters

(2) Notwithstanding subsection (1), where a matter is confidential to the College, that part of a meeting of the Board or the Academic Council, as the case may be, concerning such a matter may be held *in camera*.

Personal matters

(3) Where a matter of a personal nature concerning an individual may be considered at a meeting of the Board or the Academic Council, as the case may be, that part of the meeting concerning the individual shall be held *in camera* unless the individual and the Board agree that that part of the meeting be open to the public.

Publication of by-laws

11.—(1) The College shall publish its by-laws from time to time in such manner as the Board shall consider proper.

Inspection

(2) The by-laws of the College shall be open to examination by the public during the normal office hours of the College.

Auditors
R.S.O. 1980,
c. 405

12.—(1) The Board shall appoint one or more auditors licensed under the *Public Accountancy Act* to audit the accounts and transactions of the College at least once a year.

Annual audited statements

(2) The annual audited statements of the College shall be made available to all supporters of the College in such manner as the Board may determine.

Fiscal year

(3) The fiscal year of the College shall be as established from time to time by the Board.

Property

13. All property heretofore or hereafter granted, conveyed, devised or bequeathed to the Charter Corporation, any of its divisions or departments, or to the College or any of its academic units, or any person in trust for the benefit of any of the foregoing, subject to any trust affecting the same, vests in the College.

References to Charter Corporation

14. For the purposes of construing any instrument or other document, unless the contrary intention appears, a reference to the Charter Corporation or any of its divisions or departments shall be construed to refer to the College.

Power to take property in mortmain

15. The College has power to purchase or otherwise acquire, take or receive, by deed, gift, bequest or devise and to hold, possess and enjoy, without licence in mortmain and without limitation as to the period of holding, any estate or property whatsoever, whether real or personal, and to sell, grant, convey, mortgage, lease or otherwise dispose of the same or any part thereof or any interest therein from time to time and as occasion may require, and to acquire other estate or property in addition thereto or in place thereof.

16. The College shall be carried on without purpose of gain for the members of the Board and any surplus or other accretions to the College shall be used in promoting its objects.

Non-profit
corporation

17. The *Charities Accounting Act* applies to the College.

Application of
R.S.O. 1980,
c. 65

18. In the event of the dissolution or winding up of the College, all its remaining property, after the payment of all debts and liabilities, shall be distributed to one or more recognized charitable organizations in Canada having objects of a religious nature as similar as possible to those of the College.

Dissolution

19. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

20. The short title of this Act is the *London Baptist Bible College and London Baptist Seminary Act, 1981*.

Short title

SCHEDULE

First Board of Governors of London Baptist Bible College and London Baptist Seminary:

Dr. Gerald Benn, Ph.D., President.

Rev. Rueben Brubacher, Pastor.

Mr. Steve Field, Business Manager.

Rev. Fred Howard, Pastor.

Rev. David Irwin, Th.M., Pastor.

Dr. Abe Klashen, M.D., Physician.

Dr. Rodger McCready, D.V.M., Veterinarian.

Rev. Robert Redding, Pastor.

Rev. Leander Roblin, Retired Pastor.

Rev. R. Snell, Missionary Representative.

the following conditions: (1) the patient must be a resident of the United States; (2) the patient must be a member of the American Medical Association; (3) the patient must be a resident of the United States; (4) the patient must be a member of the American Medical Association.

(5) the patient must be a resident of the United States; (6) the patient must be a member of the American Medical Association.

(7) the patient must be a resident of the United States; (8) the patient must be a member of the American Medical Association; (9) the patient must be a resident of the United States; (10) the patient must be a member of the American Medical Association.

(11) the patient must be a resident of the United States; (12) the patient must be a member of the American Medical Association; (13) the patient must be a resident of the United States; (14) the patient must be a member of the American Medical Association.

(15) the patient must be a resident of the United States; (16) the patient must be a member of the American Medical Association; (17) the patient must be a resident of the United States; (18) the patient must be a member of the American Medical Association.

(19) the patient must be a resident of the United States; (20) the patient must be a member of the American Medical Association; (21) the patient must be a resident of the United States; (22) the patient must be a member of the American Medical Association.

(23) the patient must be a resident of the United States; (24) the patient must be a member of the American Medical Association; (25) the patient must be a resident of the United States; (26) the patient must be a member of the American Medical Association.

(27) the patient must be a resident of the United States; (28) the patient must be a member of the American Medical Association; (29) the patient must be a resident of the United States; (30) the patient must be a member of the American Medical Association.

(31) the patient must be a resident of the United States; (32) the patient must be a member of the American Medical Association; (33) the patient must be a resident of the United States; (34) the patient must be a member of the American Medical Association.

(35) the patient must be a resident of the United States; (36) the patient must be a member of the American Medical Association; (37) the patient must be a resident of the United States; (38) the patient must be a member of the American Medical Association.

(39) the patient must be a resident of the United States; (40) the patient must be a member of the American Medical Association; (41) the patient must be a resident of the United States; (42) the patient must be a member of the American Medical Association.

(43) the patient must be a resident of the United States; (44) the patient must be a member of the American Medical Association; (45) the patient must be a resident of the United States; (46) the patient must be a member of the American Medical Association.

(47) the patient must be a resident of the United States; (48) the patient must be a member of the American Medical Association; (49) the patient must be a resident of the United States; (50) the patient must be a member of the American Medical Association.

(51) the patient must be a resident of the United States; (52) the patient must be a member of the American Medical Association; (53) the patient must be a resident of the United States; (54) the patient must be a member of the American Medical Association.

CHAPTER 96

**An Act to revive
Mildove Mining Company Limited***Assented to June 17th, 1981*

WHEREAS Milton Kirsh, Rose Kirsh and Leon Weinrib
hereby represent that Mildove Mining Company Limited,
herein called the Corporation, was incorporated by letters patent
dated the 7th day of January, 1957; that the Minister of Con-
sumer and Commercial Relations, by order dated the 5th day of
March, 1975, and made under the authority of subsection 251 (3)
of *The Business Corporations Act*, being chapter 53 of the
Revised Statutes of Ontario, 1970, cancelled the certificate of
incorporation of the Corporation for default in filing annual
returns, and declared the Corporation to be dissolved on the 9th
day of April, 1975; that the applicants were all the directors and
the holders of all common shares of the Corporation at the time
of its dissolution; that although the notice of default in filing
annual returns required by the said subsection 251 (3) was sent to
each of the applicants as directors, through inadvertence, no
action was taken to revive the Corporation until more than two
years after the date of the said notice; that the Corporation, at the
time of its dissolution, owned certain assets and that it is desira-
ble to revive the Corporation so that it may deal with those
assets; and whereas the applicants hereby apply for special
legislation reviving the Corporation; and whereas it is expedient
to grant the application;

Preamble

R.S.O. 1970,
c. 53

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts as
follows:

1. Mildove Mining Company Limited is hereby revived and
is, subject to any rights acquired by any person after its dissolu-
tion, hereby restored to its legal position as a company incorpo-
rated by letters patent, including all its property, rights,
privileges and franchises and subject to all its liabilities, con-
tracts, disabilities and debts as at the date of its dissolution, in
the same manner and to the same extent as if it had not been
dissolved.

Mildove
Mining
Company
Limited
revived

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is the *Mildove Mining Company Act, 1981*.

CHAPTER 97

**An Act respecting the Township of
North Dorchester***Assented to December 3rd, 1981*

WHEREAS The Corporation of the Township of North Dorchester hereby represents that it must consider, discuss and vote upon certain questions with respect to sewage works for the Village of Dorchester in the said Township; that four of the five members of the council of the Township are property owners in the Village directly affected by these considerations and have a direct pecuniary interest therein; that the *Municipal Conflict of Interest Act* requires that a member of council who has a direct pecuniary interest in the matter with which the council is concerned should disclose his interest and not vote or take part in the consideration or discussion of or vote on any question with respect to that matter; that such disclosure and abstention from considering, discussing and voting on the matter would result in the failure to obtain a quorum; that it is desirable and in the best interests of the Township that the council be enabled to consider, discuss and vote on any matter relating to sewage works in the Village of Dorchester, notwithstanding the *Municipal Conflict of Interest Act*; and whereas The Corporation of the Township of North Dorchester hereby applies for special legislation in respect of the foregoing; and whereas it is expedient to grant the application;

Preamble
R.S.O. 1980,
c. 305

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Corporation" means The Corporation of the Township of North Dorchester;
- (b) "council" means the council of the Corporation;
- (c) "direct pecuniary interest" means direct pecuniary interest within the meaning of the *Municipal Conflict of Interest Act*.

Non-
application of
R.S.O. 1980,
c. 305

2. Notwithstanding the *Municipal Conflict of Interest Act*, where a member of council has a direct pecuniary interest in a matter related to sewage works in the Village of Dorchester, he shall be permitted to take part in the consideration or discussion of, or vote on, any question with respect to any contract, proposed contract, or any other matter related to the provision of sewage works for the Village of Dorchester.

Commence-
ment

3.—(1) This Act comes into force on the day it receives Royal Assent.

Repeal

(2) This Act is repealed on the 31st day of December, 1984.

Short title

4. The short title of this Act is the *Township of North Dorchester Act, 1981*.

CHAPTER 98

An Act respecting the City of North York

Assented to June 26th, 1981

WHEREAS The Corporation of the City of North York, Preamble
herein called the Corporation, hereby applies for special
legislation in respect of the matters hereinafter set forth; and
whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts as
follows:

1. In this Act, Interpre-
tation

- (a) "Corporation" means The Corporation of the City of North York;
- (b) "municipal taxes" means taxes imposed for municipal and school purposes in respect of real property assessed as residential or farm property and includes local improvement or other special rates;
- (c) "owner" means a person assessed as the owner of residential real property and includes an owner within the meaning of the *Condominium Act*; R.S.O. 1980,
c. 84
- (d) "personal residence" means the residence ordinarily inhabited by the owner.

2.—(1) Notwithstanding any general or special Act, the Tax credit
and refund
authorized
council of the Corporation may pass by-laws authorizing and directing the treasurer of the Corporation to allow owners of residential real property in the City of North York a uniform credit or refund in an amount of \$150 per year against municipal taxes for the years 1981, 1982 and 1983 in respect of the residential real property, if the owner or the spouse of the owner or both,

- (a) occupies or occupy the property in respect of which municipal taxes are imposed as his, her or their personal residence;

- (b) has or have attained the age of sixty-five years or such greater age as the by-law may provide;
- (c) has or have been assessed as the owner of residential real property in the municipality for a period of not less than one year, or for a period of not less than such other number of years up to five as the by-law may provide, immediately preceding the date of application for the credit; and
- (d) is or are receiving a monthly guaranteed income supplement under Part II of the *Old Age Security Act* (Canada).

R.S.C. 1970,
c. O-6

Conditions

(2) The following conditions apply to a credit or refund authorized under subsection (1):

1. No credit or refund shall be allowed to an owner in respect of more residential real property than one single family dwelling unit in any year.
2. No credit or refund shall be allowed to any person who has not made application therefor in the year in which the municipal taxes in respect of which the credit or refund is claimed become due and payable.
3. A credit shall be allowed for municipal taxes imposed on any real property only on payment of the remaining portion of such municipal taxes.
4. No refund shall be allowed for municipal taxes imposed on any real property in any year unless such municipal taxes have been paid in full in that year.
5. Where the municipal taxes payable by an owner in the year, before any credit or refund, are less than an amount equal to the sum of \$150 plus the amount of the maximum grant that may be paid to the owner or his or her spouse under section 2 of the *Ontario Pensioners Property Tax Assistance Act*, the credit or refund shall be the amount by which such municipal taxes exceed the amount of such maximum grant.

R.S.O. 1980,
c. 352

Exception

(3) Notwithstanding paragraph 4 of subsection (2), where the amount of an allowable credit of municipal taxes in any year is greater than the amount of the municipal taxes unpaid in that year, the difference between such amounts may be refunded and the unpaid portion may be allowed as a credit.

3. A by-law passed under subsection 2 (1) may,

Additional
powers

- (a) provide for the continuation of the credits or refunds to the surviving spouse of a deceased person to whom a credit or refund was allowed, if the spouse otherwise qualifies for the credit or refund except for the qualification set out in clause 2 (1) (c); and
- (b) prescribe such regulations with respect to the administration of the by-law, not inconsistent with this Act, as the council of the Corporation may consider proper.

4.—(1) The amount of any credit or refund allowed from time to time under a by-law passed under subsection 2 (1) shall be a lien in favour of the Corporation upon the real property in respect of which the credit or refund has been allowed and the lien shall have priority over,

Lien

- (a) any encumbrance upon the property arising before or after the date of registration of the notice mentioned in subsection (3) if the encumbrancer is a relative by blood or marriage of the person to whom the credit was allowed; and
- (b) any other encumbrance upon the property arising after the date of registration of the notice mentioned in subsection (3).

(2) The amount of the lien shall become due and be paid to the Corporation upon any change in ownership of the real property except,

Idem

- (a) where the new owner is the husband, wife, brother or sister of the person to whom a credit or refund was allowed and is a person entitled to a credit or refund under a by-law passed under this Act; or
- (b) by way of a mortgage other than a sale or foreclosure under the mortgage.

(3) Where a by-law passed under subsection 2 (1) is in force, forthwith after a credit or refund has been allowed under the by-law for the first time in respect of any real property or for the first time after a lien under this Act in respect of any real property has been discharged, a notice signed by the treasurer of the Corporation stating that a credit or refund has been allowed together with a description of the real property sufficient for registration shall be registered in the proper land registry office

Notice of
lien and
discharge
of lien

and, upon payment in full to the treasurer of the Corporation of the amount of all outstanding credits and refunds allowed in respect of the property, a certificate of the treasurer of the Corporation showing the payment shall be similarly registered, and thereupon the lien in respect of the real property is discharged.

Forms (4) A notice of lien under subsection (3) may be in Form 1 and a certificate of payment under that subsection may be in Form 2.

Commence- 5. This Act comes into force on the day it receives Royal Assent.

Short title 6. The short title of this Act is the *City of North York Act, 1981*.

Form 1

NOTICE OF LIEN

City of North York Act, 1981

The Treasurer of The Corporation of the City of North York

HEREBY GIVES NOTICE That a credit or refund has been allowed under

By-law No. of the said municipality made under Section 2 of the *City of North York Act, 1981* to

insert name(s) {
of owner(s) {

in respect of the real property situate in the City of North York in The Municipality of Metropolitan Toronto in the Province of Ontario being composed of the whole (or part) of:

Lot (Block)

in Concession

or according to Plan No.

for use if { registered in the Registry Office for the
registered { Registry Division of
in a { as described in Registered Instrument No.
registry office {

for use if { registered in the Office of Land Titles
registered { at
in an { as Parcel No. in the
office of {
land titles { Register for

AND that any credit or refund allowed from time to time is a lien in favour of The Corporation of the City of North York upon the above-mentioned real property in accordance with the *City of North York Act, 1981*.

Dated at North York this day of 19....

.....
Treasurer

INQUIRIES concerning the discharge of the lien should be addressed to the Treasurer, City of North York, 5100 Yonge Street, Willowdale, Ontario, M2N 5V7.

Form 2

CERTIFICATE OF PAYMENT

City of North York Act, 1981

The Treasurer of The Corporation of the City of North York

HEREBY CERTIFIES That all amounts due to the said municipality under Section 2 of the *City of North York Act, 1981*, have been paid in full by, or on behalf of,

insert name(s) {
of owner(s) {

in respect of the real property situate in the City of North York in The Municipality of Metropolitan Toronto in the Province of Ontario being composed of the whole (or part) of:

Lot (Block)

in Concession

.....

or according to Plan No.

for use if { registered in the Registry Office for the
registered {
in a { Registry Division of
registry office { as described in Registered Instrument No.

for use if { registered in the Office of Land Titles
registered {
in an { at
office of { as Parcel No. in the
land titles { Register for

AND that the lien, described in the Notice of Lien registered as Instrument No., is hereby discharged.

Dated at North York, this day of 19....

.....
Treasurer

CHAPTER 99

**An Act to revive
Sioux Petroleums, Limited***Assented to June 17th, 1981*

WHEREAS John G. Ross, Robert Wilson Kerr, Donald Robertson Webster and Minnie Mary Ann Ross hereby represent that Sioux Petroleums, Limited, herein called the Corporation, was incorporated by letters patent dated the 20th day of October, 1945; that the Provincial Secretary by order dated the 24th day of February, 1964 and made under the authority of subsection 2 of section 326 of *The Corporations Act*, being chapter 71 of the Revised Statutes of Ontario, 1960, cancelled the letters patent of the Corporation for default in filing annual returns and declared the Corporation to be dissolved on the 23rd day of March, 1964; that the applicants are the executors of the Estate of J. Gordon Ross, deceased; that J. Gordon Ross, deceased, was a director and shareholder of the Corporation at the time of the dissolution; that the applicants during the course of administration of the said Estate became aware of the dissolution of the Corporation; that the Corporation at the time of its dissolution owned certain real property; that the applicants wish to revive the Corporation in order that the shares owned by the said J. Gordon Ross, deceased, may be distributed to his beneficiaries; and whereas the applicants hereby apply for special legislation reviving the Corporation; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Sioux Petroleums, Limited is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position as a company incorporated by letters patent including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts as at the date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

Sioux
Petroleums,
Limited,
revived

2. The *Corporations Information Act* and any predecessor thereof do not apply to the Corporation with respect to any fail-

Non-
application of
R.S.O. 1980.
c. 96

ure of the Corporation to comply with that Act or any predecessor thereof prior to the day this Act comes into force.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. The short title of this Act is the *Sioux Petroleums, Limited Act, 1981*.

CHAPTER 100

An Act respecting The Society of Management Accountants of Ontario

Assented to November 19th, 1981

WHEREAS The Society of Management Accountants of Ontario, Preamble herein called the "Society", hereby represents that it was incorporated under the name of the "Society of Industrial and Cost Accountants of Ontario" by *The Society of Industrial and Cost Accountants of Ontario Act, 1941*; that the said Act is now cited as *The Society of Industrial Accountants of Ontario Act, 1941*; that the Preamble to the said Act recited that the Society was incorporated "for the purpose of increasing the knowledge, skill and proficiency of its members in all things relating to industrial and cost accounting . . ."; that industrial and cost accounting has evolved and is now referred to as "management accounting"; that the name of the Society was changed to the "Society of Industrial Accountants of Ontario" by *The Society of Industrial Accountants of Ontario Act, 1967*; that the name of the Society was changed to "The Society of Management Accountants of Ontario" by supplementary letters patent dated the 29th day of April, 1977; that certain amendments were made to *The Society of Industrial Accountants of Ontario Act, 1941* by the Statutes of Ontario, 1967, chapter 129 and 1971, chapter 126; and whereas the Society considers it desirable to provide for the use of the French language version of its name, "La Société des Comptables en Management de l'Ontario", to grant its members the right to use the designation "Registered Industrial Accountant" or "Certified Management Accountant" or "Comptable en Management Accrédité" and to make certain other technical amendments to its Act of incorporation; and whereas the applicant hereby applies for special legislation for such purposes; and whereas it is expedient to grant the application; 1967. c. 129

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Society of Industrial Accountants of Ontario Act, 1941*, being chapter 77, as amended by the Statutes of Ontario, 1967, chapter 129, section 1, is repealed and the following substituted therefor: 1941, c. 77, s. 1, re-enacted

1. The Society of Management Accountants of Ontario is hereby continued as a body corporate without share capital Society continued

under the names "The Society of Management Accountants of Ontario" and "La Société des Comptables en Management de l'Ontario", herein called the "Society", and the Society may be legally designated by either or both of its names.

s. 2,
re-enacted

- 2.** Section 2 of the said Act is repealed and the following substituted therefor:

Objects

2. The general objects of the Society shall be to provide an organization for accountants particularly interested in the preparation and interpretation of financial statements and reports for use by the management of business and governmental organizations in planning and controlling the operations of business and governmental organizations, in making special decisions for business and governmental organizations and in formulating major plans and policies for business and governmental organizations and to promote and increase by all lawful means the knowledge, skill and proficiency of its members in all things relating to management accounting.

s. 3,
re-enacted

- 3.** Section 3 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 126, section 1, is repealed and the following substituted therefor:

Membership

3.—(1) Membership in the Society shall be open to any person sixteen years of age or over engaged in or interested in management accounting.

Classes
of members

(2) The Society shall have three classes of members, namely,

(a) registered or certified members as may be determined by the Council;

(b) general members; and

(c) student members.

s. 10 (1) (a),
re-enacted

- 4.—(1)** Clause 10 (1) (a) of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 126, section 2, is repealed and the following substituted therefor:

(a) to prescribe a curriculum and the course of studies to be pursued by members of the Society in management accounting, and the subjects upon which candidates for admission to registered or certified membership shall be examined, and for granting certificates to registered or certified members.

s. 10 (1) (b, i),
re-enacted

- (2) Clauses 10 (1) (b) and (i) of the said Act are repealed and the following substituted therefor:

(b) to establish lectures and classes for members of the Society in management accounting;

(i) governing the election or appointment of members and others to the Council.

5. Section 11 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 126, section 3, is repealed and the following substituted therefor: s. 11.
re-enacted

11.—(1) Every registered or certified member of the Society shall have the right to use the designation, Designation

(a) "Registered Industrial Accountant"; or

(b) "Certified Management Accountant" or "Comptable en Management Accrédité",

as may be determined by the Council, and shall have the right to use after his name the initials,

(c) "R.I.A."; or

(d) "C.M.A.",

as may be determined by the Council, indicating that he is a registered or certified member of the Society.

(2) Every person taking or using the designation "Registered Industrial Accountant" or "Certified Management Accountant" or "Comptable en Management Accrédité" or the initials "R.I.A." or "C.M.A." or any name, title or description implying that he is a registered or certified member of the Society, unless authorized so to do, is guilty of an offence and on conviction is liable to a fine of not more than \$500 for each offence. Offence

6. Section 14 of the said Act is repealed. s. 14,
repealed

7. Section 15 of the said Act, as amended by the Statutes of Ontario, 1967, chapter 129, section 3, is repealed and the following substituted therefor: s. 15.
re-enacted

15. The short title of this Act is the *Society of Management Accountants of Ontario Act, 1941*. Short title

8. This Act comes into force on the day it receives Royal Assent. Commence-
ment

9. The short title of this Act is the *Society of Management Accountants of Ontario Act, 1981*. Short title

CHAPTER 101

An Act to revive
Stacey’s Custom Upholstery Limited

Assented to June 17th, 1981

WHEREAS Stanley Stacey, Audrey Stacey and Marguerite Geddes hereby represent that Stacey’s Custom Upholstery Limited, herein called the Corporation, was incorporated by letters patent dated the 23rd day of May, 1962; that the Provincial Secretary, by an order dated the 12th day of October, 1967, and made under the authority of subsection 2 of section 326 of *The Corporations Act*, being chapter 71 of the Revised Statutes of Ontario, 1960, cancelled the letters patent of the Corporation for default in filing annual returns and declared it to be dissolved on the 16th day of November, 1967; that the applicants were all the directors of the Corporation at the time of dissolution; that default in filing the annual returns occurred by reason of inadvertence; that the Corporation at the time of its dissolution was actively carrying on the business authorized by its letters patent and since that time active business has continued to be carried on in the name of the Corporation and in the name of Stacey’s Custom Upholstery; and whereas the applicants hereby apply for special legislation reviving the Corporation; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Stacey’s Custom Upholstery Limited is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position as a company incorporated by letters patent, including all its property, rights, privileges and franchises and subject to all its liabilities and debts as at the date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

Stacey’s
Custom
Upholstery
Limited
revived

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. The short title of this Act is the *Stacey’s Custom Upholstery Limited Act, 1981*.

Short title

CHAPTER 102

An Act respecting Tordom Corporation

Assented to December 3rd, 1981

WHEREAS Tordom Corporation hereby represents that it is a loan corporation subject to the *Loan and Trust Corporations Act* and is wholly owned by The Toronto Dominion Bank, a bank to which the *Bank Act* (Canada), applies; that as a result of the enactment of the *Banks and Banking Law Revision Act, 1980* (Canada), it is in the best interest of Tordom Corporation that it be continued as a loan company under the *Loan Companies Act* (Canada); and whereas the applicant hereby applies for special legislation for such purpose; and whereas it is expedient to grant the application;

Preamble
R.S.O. 1980,
c. 249;
1980-81,
c. 40 (Can.);
1980,
c. 40 (Can.);
R.S.C. 1970,
c. L-12

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Tordom Corporation may, provided it is authorized to do so by the *Loan Companies Act* (Canada), apply for letters patent continuing it as if it had been incorporated under that Act.

Application
for letters
patent
continuing
corporation
under
R.S.C. 1970,
c. L-12
authorized

2. From the date on which Tordom Corporation is continued under the *Loan Companies Act* (Canada), Tordom Corporation ceases to be governed by the *Loan and Trust Corporations Act* and must file with the Minister of Consumer and Commercial Relations a certified copy of the letters patent or other document certifying that it has been so continued.

When
corporation
ceases to be
governed by
R.S.C. 1970,
c. L-12;
R.S.O. 1980,
c. 249

3. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

4. The short title of this Act is the *Tordom Corporation Continuation Authorization Act, 1981*.

Short title

CHAPTER 103

An Act respecting the City of Toronto

Assented to June 17th, 1981

WHEREAS The Corporation of the City of Toronto, herein Preamble
called the Corporation, hereby applies for special legislation
in respect of the matters hereinafter set forth; and whereas it is
expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario, enacts as
follows:

1. Notwithstanding any general or special Act, the council of Agreement
with
University
of Toronto
authorized
the Corporation may enter into and perform the agreement with
the Governing Council of the University of Toronto set out in the
Schedule hereto and upon its execution the said agreement shall
be valid and binding upon the parties thereto according to its
terms.

2. Section 2 of *The City of Toronto Act, 1972 (No. 2)*, being 1972, c. 199,
s. 2,
amended
chapter 199, as amended by the Statutes of Ontario, 1977, chapter
109, section 4, is further amended by adding thereto the following
subsection:

(7) A notice requiring the owner of vacant land to take any Service of
notice
action necessary to make same conform to the standards may be
served personally or by registered mail addressed to the owner at
his last known address and, where notice is served by registered
mail, the service shall be deemed to have been made on the fifth
day after the day of mailing.

3.—(1) Subsections 5 (1) and (2) of *The City of Toronto Act*, 1975, c. 117,
s. 5 (1, 2),
re-enacted
1975 (No. 2), being chapter 117, are repealed and the following
substituted therefor:

(1) In this section, “assisted housing program” means a pro- Interpre-
tation
gram which in the opinion of the council of the Corporation is
designed to provide housing accommodation by sale or lease, at a
price or rental below the current market price or rental in the area
in which the accommodation is located.

By-laws
respecting
density of
development
R.S.O. 1980,
c. 379

(2) In any by-law passed under section 39 of the *Planning Act*, the council of the Corporation may prescribe one or more residential densities of development applicable to any land in respect of which the owner agrees with the Corporation, as set out in subsection (3), to provide such proportion or such number as the by-law may specify of units to be built on such lands for the purposes of an assisted housing program for such period or periods of time as is specified in the agreement, and another residential density applicable to such land in respect of which the owner does not so agree.

1975, c. 117,
s. 5,
amended

(2) The said section 5 is amended by adding thereto the following subsections:

Validity of
agreement

(5) No agreement made pursuant to subsection (3) shall be declared to be invalid by reason of failure to specify particulars of an assisted housing program.

Consent of
City required
for conveyance,
etc.

(6) Where an agreement has been registered under subsection (4), no person shall, during the operation of an agreement entered into under subsection (3), convey any unit of housing accommodation which is part of an assisted housing program, by way of deed or transfer or grant, assign, or exercise a power of appointment with respect to the unit, or mortgage or charge the unit or enter into an agreement of sale and purchase respecting the unit, or enter into any agreement which has the effect of granting the use of or right in the unit directly or by entitlement to renewal for a period of twenty-one years or more, without the written consent of the Corporation.

Conveyance,
etc.,
contrary to
subs. (6)

(7) Where an agreement has been registered under subsection (4), an agreement, conveyance, mortgage or charge made, or a power of appointment granted, assigned or exercised in contravention of subsection (6), does not create or convey any interest in the unit.

Certificate
of clerk

(8) Where a written consent, referred to in subsection (6), has been given by the Corporation, the clerk of the Corporation shall provide a certificate, in registrable form, to the person obtaining the consent stating that the written consent of the Corporation has been obtained and the certificate of the clerk is conclusive evidence that the consent was given and that the provisions of this section leading to the consent have been complied with and after the certificate has been given no action may be maintained to question the validity of the consent and the certificate may be registered in the proper land registry office.

Validity
of by-laws
restricting
occupancy

(9) No by-law passed by the council that implements subsection (2) shall be invalidated notwithstanding that the effect thereof is to restrict occupancy of housing accommodation to such persons or class or classes of persons as are set out in the by-law.

(10) A by-law that implements subsection (2) may provide that any person entering into an agreement under subsection (3) who fails to provide such proportion or such number of units for such period or periods of time as may be specified in the agreement for the purposes of an assisted housing program, shall be deemed to have contravened the by-law and is guilty of an offence and on conviction the person is liable to a fine of not more than \$10,000.

Offence

(11) In addition to any penalty or other remedy provided by law, every owner who contravenes any of the provisions of an agreement entered into under subsection (3), shall be liable for damages payable to the Corporation in an amount equal to the difference between the price or rental of the housing accommodation which is the subject of the agreement, as determined under the agreement, and the selling price or actual rental of such housing accommodation for such period of time as the owner has contravened the agreement, and such damages may be recovered as a debt due to the Corporation.

Damages

(12) Subsections (6) and (7) do not apply to an agreement unless the said subsections are set out in the agreement.

Contents of agreement

4. A by-law passed under section 4 of *The City of Toronto Act, 1980*, being chapter 126, may also authorize pursuant to permits issued to owners of private property, front yard parking for physically handicapped persons, as defined in the by-law, and the provisions thereof in respect of front yard parking for physically handicapped persons may be different from and in conflict with any other provisions contained in a by-law passed under that section.

Front yard parking permits for physically handicapped persons
1980, c. 126

5.—(1) Notwithstanding subsection 1 (2) of the *Expropriations Act*, where the Corporation wishes to acquire land or any interest therein in the rear of lands abutting on a highway for the purpose of a public lane or for the purpose of any outlet connecting such public lane with a highway and a person to be served under the said Act is unknown or his address is unknown, any document or notice to be served, including any notice required to be served under section 39 of the said Act may, subject to subsection (2), be served upon the Public Trustee and such service shall be deemed to be good and sufficient service upon such person for the purposes of the said Act.

Service of notice
R.S.O. 1980, c. 148

(2) The Corporation shall make application pursuant to section 39 of the *Expropriations Act*, within one year from the first service upon the Public Trustee, for the appointment of a person to represent the interests of an owner served pursuant to subsection (1).

Representative

(3) Where the Corporation serves a document or notice, on the Public Trustee under subsection (1), the Public Trustee is under

Duty of Public Trustee

no duty to attempt to locate the person who, or whose address, is unknown, or to take any other action except to provide, on request by any person and on payment of any fee for copying, a copy of the document or notice.

Application
R.S.O. 1980,
c. 148

(4) This section applies to proceedings taken under the *Expropriations Act*, whether commenced before or after this section comes into force.

Contributions
to craft
tradesmen's
pensions
R.S.O. 1980,
c. 348

6. Notwithstanding section 9 of the *Ontario Municipal Employees Retirement System Act*, it is lawful and shall be deemed always to have been lawful for the Corporation to make a contribution for the provision of a pension to any person employed by the Corporation as a craft tradesman where such contribution is required by the terms of a collective agreement made binding by any statute upon the Corporation or where the Corporation complies or has complied with the terms of collective agreements respecting the payment of pension contributions for such craft tradesmen and where such contribution has been or is being made the *Ontario Municipal Employees Retirement System Act* does not apply.

Member-
ship of
Board of
Toronto
Electric
Commis-
sioners

7.—(1) The Board of Commissioners established under An *Act respecting the City of Toronto*, being chapter 119 of the Statutes of Ontario, 1911, and called the Toronto Electric Commissioners is continued and shall consist of five members,

- (a) one of whom shall be, *ex officio*, the mayor of the Corporation;
- (b) one of whom shall be appointed by Ontario Hydro; and
- (c) three of whom shall be appointed by the council of the Corporation as follows:

- 1. One member who shall be a member of council.
- 2. Two members who shall not be members of council.

Idem

(2) The council of the Corporation may, by by-law passed with the written consent of the mayor, appoint a delegate from among the members of the council to represent the mayor on the Toronto Electric Commissioners.

Non-
application of
R.S.O. 1980,
c. 423, s. 43

(3) Section 43 of the *Public Utilities Act* does not apply to an appointment made under paragraph 1 of clause (1) (c).

(4) Subject to subsection (5), members appointed under clauses 1 (b) and (c) shall hold office for two years and until their successors are appointed and shall be eligible for reappointment. Term of office, etc.

(5) The term of office of a member of the Toronto Electric Commissioners who is also a member of council of the Corporation shall not extend beyond the term of the council that made the appointment and he shall cease to be a member of Toronto Electric Commissioners upon ceasing to be a member of the council, except that the person shall continue to hold office until his successor is appointed. Idem

(6) Notwithstanding subsection (1), the members of the Toronto Electric Commissioners immediately prior to the coming into force of this Act shall continue to hold office until their respective terms of office expire and until their successors are appointed. Idem

(7) If an appointed member dies, or wishes to resign, or refuses to act, or becomes unable from any cause to perform his duties, the council or Ontario Hydro, as the case may be, may appoint a successor in his stead for the remainder of his term of office, and such successor is, subject to subsection (5), eligible for reappointment. Substitution of members

(8) Subsections 107 (2) and (3) of the *Power Corporation Act* do not apply to the Board of Commissioners continued by this section. Application of R.S.O. 1980, c. 384, s. 107 (2, 3)

(9) Section 16 of *An Act respecting the City of Toronto*, being chapter 119 of the Statutes of Ontario, 1911, is repealed. 1911, c. 119, s. 16, repealed

8. This Act comes into force on the day it receives Royal Assent. Commencement

9. The short title of this Act is the *City of Toronto Act, 1981*. Short title

SCHEDULE

THIS AGREEMENT made in quadruplicate this day of 198 .

BETWEEN:

THE GOVERNING COUNCIL OF THE UNIVERSITY OF TORONTO,
(hereinafter called "the University"),

OF THE FIRST PART;

—and—

THE CORPORATION OF THE CITY OF TORONTO,
(hereinafter called "the City"),

OF THE SECOND PART.

WITNESSETH THAT:

R.S.O. 1970, WHEREAS under a predecessor to section 148 of *The Municipality of Metropolitan Toronto Act*, as amended, the City of Toronto, the Village of Forest Hill and the Village of Swansea were on the 1st day of January, 1967, amalgamated as a city municipality the inhabitants of which are a body corporate under the name of the Corporation of the City of Toronto, the City herein, such amalgamation being deemed thereunder to be by order of the Ontario Municipal Board pursuant to an application thereto under section 14 of *The Municipal Act*, as therein set forth, and by virtue of section 19 of *The Municipal Act* all the assets and liabilities of The Corporation of the City of Toronto (hereinafter called the former City) are now assets and liabilities of the City herein;

AND WHEREAS the Bursar of the University and Colleges at Toronto entered into an indenture of lease with the former City dated January 1, 1859 ("the 1859 lease") with respect to the lease to the former City of the lands which became known as Queen's Park and the Avenues and approaches thereto;

AND WHEREAS by agreement dated May 2, 1877, between the said Bursar and the former City ("the 1877 agreement") a deviation of the line of a road required by the 1859 lease to be constructed on the east side of a proposed Botanical Garden was authorized;

AND WHEREAS by agreement dated July 19, 1883, between Her Majesty the Queen represented for the purpose of said agreement by the Bursar of the University and Colleges at Toronto and the former City ("the 1883 agreement") the laying of tracks on the Yonge Street Avenue (now known as College Street) for the purposes of a street railway was authorized subject to the terms and conditions of said agreement;

AND WHEREAS by agreement dated March 2, 1889, between Her Majesty the Queen, represented by the said Bursar and the former City ("the 1889 agreement") a certain action commenced by Her Majesty's Attorney-General for the Province of Ontario on the relation of the said Bursar against the former City was settled upon the terms and conditions set out therein;

AND WHEREAS the University is the successor to the rights of the said Bursar and of Her Majesty under the agreements hereinbefore mentioned;

AND WHEREAS by Chapter 53 of 52 Victoria 1889 ("the 1889 Statute") the 1889 agreement was confirmed;

AND WHEREAS by Chapter 54 of 7 Edward VII 1907 ("the 1907 Statute") the 1889 agreement was amended with respect to the arbitration provision thereof;

AND WHEREAS by agreement authorized by Chapter 119 of Geo. V 1911 ("the 1911 agreement") certain matters relating to the Avenue from Queen Street (now included in the avenue known as University Avenue) and the widening of Anderson Street (now Dundas Street West) were agreed upon;

AND WHEREAS by Chapter 75 of 3-4 Geo. V 1913 ("the 1913 Statute") the 1889 agreement was supplemented with respect to the terms and conditions for access to the Avenue from Queen Street (now included in the avenue known as University Avenue) and the cross Avenue from Yonge Street (now known as College Street) and with respect to the widening and straightening of the latter;

AND WHEREAS by agreement dated September 24, 1929, between the University and the former City ("the 1929 agreement") the location of the westerly limit of the avenue known as University Avenue as dedicated by the 1889 agreement was confirmed;

AND WHEREAS by agreement dated November 24, 1950, between the former City and the University ("the 1950 agreement") the location of the roadway known as Queen's Park Crescent West was agreed to be altered and a certain bridge constructed on the terms set out therein;

AND WHEREAS the University has requested the City to release from the 1859 lease, as from time to time amended, supplemented and confirmed, the lands described in Schedule 'A' hereto;

AND WHEREAS the City has requested the University to dedicate the lands described in Schedule 'B' hereto with certain rights reserved to the University as hereinafter in this agreement set forth;

AND WHEREAS the University intends concurrently herewith so to dedicate the lands described in Schedule 'C', with certain rights reserved to the University, as set forth in an agreement bearing the date hereof between the University and The Municipality of Metropolitan Toronto.

NOW THEREFORE the parties agree as follows:

1. The lands described in Schedule 'A' hereto and the unexpired residue of the term of years created by the 1859 lease in respect of such lands only are hereby assigned and surrendered by the City to the University absolutely.

2. The lands described in Schedule 'B' hereto are (subject to the reservations in favour of the University hereinafter in this agreement set forth) to be, and are hereby dedicated by the University for public highway purposes, subject to any and all existing easements and servitudes, and all restrictions as to traffic thereon (excepting insofar as the City may be empowered and may choose to restrain or regulate the same, subject to the terms hereof) are hereby removed, and the City shall have the right to name the highways so dedicated.

3. Those portions of the land described in Schedule 'B' which are now or hereafter travelled by vehicular traffic shall be put in repair and kept in all necessary repair and lighted by the City in accordance with the City's standard for street lighting on the public highways in the area adjacent to such lands.

4. Those portions of the land described in Schedule 'C' which are now or hereafter travelled by vehicular traffic shall be lighted by the City in accordance with the City's standard for street lighting on the public highways in the area adjacent to such lands.

5. The footpaths or sidewalks now or hereafter existing on any of the lands described in Schedules 'B' and 'C' hereto shall be put in repair and kept in all necessary repair by the City, and shall be maintained in their present locations or in such other locations thereon as the University approves, provided that the University will not unreasonably withhold such approval.

6. Nothing herein contained shall affect any rights of the University under the 1859 lease, the 1877, 1883, 1889, 1911, 1929 or 1950 agreements, or any other agreement between the University or its predecessors and the former City or the City relating to Queen's Park and/or the Avenues or approaches thereto, as confirmed or modified by the Statutes aforesaid, except insofar as such lease, agreement or Statute applies to the lands described in Schedule 'A' hereto, and then only to the extent necessary to give full force and effect to this agreement.

7. The rent of five shillings, if demanded, payable by the City to the University under the 1859 lease is not to be reduced by reason of the reduction effected by this agreement in the lands subject thereto.

8. The University reserves the right of access in perpetuity to the lands described in Schedule 'B' for vehicles and pedestrians, provided that nothing herein shall be construed to be inconsistent with the 1950 agreement and without restricting the generality of the foregoing the University specifically reserves a permanent vehicular and pedestrian right-of-way across the lands firstly described in Schedule 'B', which together with a similar right-of-way reserved by the University across certain of the lands described in Schedule 'C' shall constitute a continuous right-of-way from Wellesley Street West westerly to the lands of the University in the location of the presently existing roadway and sidewalks, permitting vehicular and pedestrian passage thereover in both directions at all times, subject to such reasonable traffic regulation as the City or the Municipality of Metropolitan Toronto may require, provided that the access ramps connecting the main portion of Wellesley Street West to Queen's Park Crescent West may be one-way.

9. The owners of property adjacent to the Avenues dedicated by the 1889 agreement as amended by the 1913 Statute and the 1929 agreement are not by reason of this agreement or the dedications hereby effected to acquire any right of ingress or egress to or from the said Avenues from or to their said adjacent properties.

10. The University reserves the right upon reasonable notification to the City from time to time to lay, maintain and repair sewers and to construct, maintain and repair works for the passage of water, electricity, steam, gas or pedestrians under the lands described in Schedule 'B' in locations where the same will not interfere with works constructed by the City, the Metropolitan Corporation or any public utility or constructed or to be constructed under the authority of easements or other rights previously granted by the City or the University.

11. The City accepts the dedication of the lands described in Schedule 'B' upon the terms and conditions set out herein.

12. The University covenants and agrees with the City that the existing Robert Raikes statue and Volunteers Memorial 1866 shall remain the property of the City and in their present locations unless removed by the City, and the City shall at all reasonable times have access to these monuments, so long as they occupy their present sites, for maintenance and repair thereof.

13. The City covenants and agrees with the University that it will not operate nor, to the extent that such operation may from time to time be subject to its control, permit the surface operation of streetcars, trolley buses or any vehicle using tracks, rails, or overhead wires, upon the lands described in Schedules 'B' and 'C' respectively.

14. The University hereby forever releases and discharges the City from all obligations on the part of the City under paragraphs 7 and 8 of the 1889 agreement with respect to the endowment and maintenance of two Chairs in the University of Toronto, such releases and discharge to be effective October 1, 1973, when the second quarterly payment in respect of the year commencing July 1, 1973 and ending June 30, 1974 would otherwise be due and payable.

IN WITNESS WHEREOF the parties have executed this agreement.

THE GOVERNING COUNCIL OF THE UNIVERSITY
OF TORONTO

THE CORPORATION OF THE CITY OF TORONTO

A Member of the Executive Committee

Deputy City Treasurer

Schedule 'A'

ALL AND SINGULAR those certain parcels or tracts of land situate, lying and being in the City of Toronto in the Municipality of Metropolitan Toronto and being composed of parts of Park Lots 11 and 12, Concession 1 from the Bay, described as Parts 2, 5, 7, 8, 10, 12, 14, 15, 18, 19, 20, 21, 27, 30, 34, 37 and 38 according to a Plan deposited in the Land Registry Office for the Registry Division of Toronto (No. 63) as RD-239.

Schedule 'B'

Those certain parcels or tracts of land situate, lying and being in the City of Toronto, in the Municipality of Metropolitan Toronto and being composed of:

Firstly:

Those parts of Park Lots 11 and 12, Concession 1 from the Bay, described as Part 30 according to a Plan deposited in the Land Registry Office for the Registry Division of Toronto (No. 63) as RD-239.

Secondly:

That part of Park Lot 12, Concession 1 from the Bay, described as Part 37 according to said Plan RD-239.

Schedule 'C'

ALL AND SINGULAR those certain parcels or tracts of land situate, lying and being in the City of Toronto in the Municipality of Metropolitan Toronto and being composed of parts of Park Lots 11 and 12, Concession 1 from the Bay, and parts of Lots 67, 68 and 72 according to Registered Plan D-178, described as Parts 3, 4, 6, 9, 11, 13 and 34 according to a Plan deposited in the Land Registry Office for the Registry Division of Toronto (No. 63) as RD-239.

CHAPTER 104

An Act respecting Victoria University

Assented to December 11th, 1981

WHEREAS the Board of Regents of Victoria University hereby represents that it is desirable that the composition of the Board and Senate of the University and of the Councils of Victoria College and Emmanuel College be varied; that the powers of the Caput be amended; and that certain related amendments be made to the University's Act of incorporation; and whereas the applicant hereby applies for special legislation for such purposes; and whereas it is expedient to grant the application; Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Clauses 1 (b) and (c) of *The Victoria University Act, 1951*, being chapter 119, are repealed and the following substituted therefor: s. 1 (b),
re-enacted;
s. 1 (c),
repealed

(b) "graduates" means graduates of the University of Toronto who were enrolled in Victoria College at the time of their graduation.

- (2) The said section 1 is amended by adding thereto the following clauses: s. 1,
amended

(e) "student" means any person registered in Victoria College or Emmanuel College for full-time or part-time study in a program that leads to a degree, licentiate or diploma conferred by the University of Toronto or Victoria University;

(f) "teaching staff" means all members of the staff of Victoria and Emmanuel Colleges who hold full-time employment contracts and the academic rank of professor, associate professor, assistant professor or lecturer, senior tutor or tutor, in Victoria University, and those members of the teaching staff of the University of Toronto who have been granted joint appointments as Fellows of Victoria College according to the regulations which may be made from time to time by the Board;

- (g) "VUSAC" means the Victoria University Students' Administrative Council, being such student government organization as may be recognized by the Board by regulation from time to time.

s. 4 (2, 3),
re-enacted

2. Subsections 4 (2) and (3) of the said Act are repealed and the following substituted therefor:

Constitution
of Board

- (2) The Board shall consist of forty-nine members to be elected or appointed as follows:

1. Fifteen members elected by vote of the General Council of the United Church of Canada for terms of four years.
2. Four *ex officio* members, being the Chancellor of Victoria University, the President of Victoria University, the Principal of Victoria College and the Principal of Emmanuel College.
3. Eight members, who are graduates, elected by vote of the graduates in Arts and Science of Victoria University for terms of four years.
4. Five members, who are alumni of Emmanuel College, elected by vote of the alumni of Emmanuel College for terms of four years.
5. Eight members of the teaching staff holding tenure in Victoria University elected by vote of the teaching staff of Victoria University for terms of four years.
6. The President of VUSAC, *ex officio*, and five other students elected for one-year or two-year terms by vote of the students of Victoria University, the numbers of those to be elected for one-year or two-year terms respectively to be determined by regulations of the Board from time to time.
7. Three members, who shall not be teaching staff or students, elected by vote of the members elected or appointed under paragraphs 1 to 6 according to the regulations which may be made from time to time by the Board.

Idem

- (3) The members of the Board shall hold office until their successors are elected or appointed.

Vacancies

- (4) Where a vacancy occurs in the Board,

- (a) from among the members elected by the General Council of The United Church of Canada, the vacancy shall

be filled by the executive of the said General Council;
and

- (b) from among the other members of the Board, the vacancy shall be filled by the Board from among the persons qualified under the appropriate paragraph of subsection (2),

and a person so appointed shall serve for the unexpired term of the person whose membership is vacant.

(5) No person shall serve as a member of the Board unless he is ^{Canadian citizenship} a Canadian citizen.

(6) Any member appointed or elected under subsection (2) is eligible for reappointment or re-election so long as he does not serve continuously for more than eight years, but on the expiration of one year after having served continuously for eight years he again becomes eligible for appointment or election. ^{Re-appointment and re-election}

(7) For the purposes of subsection (6), the limit of eight continuous years of service on the Board does not include service on the Board prior to the day this subsection comes into force or service on the Board as an *ex officio* member under paragraph 2 of subsection (2). ^{Calculation of continuous service}

(8) Notwithstanding paragraphs 1, 3, 4, 5 and 7 of subsection (2), for the purpose of the election of members of the Board, the Board may provide, by by-law, for the election and retirement of any class of members of the Board in rotation. ^{Election and retirement in rotation}

3.—(1) Clause 8 (c) of the said Act is amended by striking out “Faculty” in the eleventh line and inserting in lieu thereof “teaching staff” and by striking out “professors” in the seventeenth line and inserting in lieu thereof “teaching staff”. ^{s. 8 (c). amended}

(2) Clause 8 (d) of the said Act is repealed and the following substituted therefor: ^{s. 8 (d). re-enacted}

(d) In case of a vacancy in the office of President or of the absence, illness or other incapacity of the President, to appoint an Acting President.

(3) Section 8 of the said Act is amended by adding thereto the following subsections: ^{s. 8. amended}

(2) The meetings of the Board shall be open and prior notice of the meetings shall be given in such manner as the Board, by by-law, shall determine but when, ^{Meetings}

(a) confidential, financial or legal matters are being discussed, the Board may meet *in camera*; and

- (b) the personal affairs of any individual are being discussed the Board shall meet *in camera* unless both the Board and the individual agree otherwise.

Publication
of by-laws

- (3) The Board shall publish its by-laws from time to time in such manner as it may consider proper.

s. 9 (1),
re-enacted

4. Subsection 9 (1) of the said Act is repealed and the following substituted therefor:

Senate

- (1) There shall be a Senate of Victoria University which shall consist of the following:

1. The Chancellor.
2. The Vice-Chancellor.
3. Six members of the Board appointed by the Board from among those members who are not teaching staff or students.
4. All members of the teaching staff of Victoria College and Emmanuel College.
5. All retired members of the teaching staff of Victoria College and Emmanuel College who hold the rank of emeritus professor.
6. Ten members who are graduates elected for terms of four years by vote of the graduates in Arts and Science of Victoria University.
7. Six members who are alumni of Emmanuel College elected for terms of four years by vote of the alumni of Emmanuel College.
8. The President of VUSAC, *ex officio*, and other students of Victoria University to the total number of 15 per cent of the non-student members of the Senate at any one time, elected for one-year or two-year terms by vote of the students of Victoria University, the numbers of those to be elected for one-year and two-year terms respectively to be determined by regulations of the Board from time to time.
9. One representative appointed by Albert College.

s. 10 (b),
amended

- 5.—(1) Clause 10 (b) of the said Act is amended by striking out “1947” in the first line and inserting in lieu thereof “1971”.

(2) Clause 10 (g) of the said Act is repealed.

s. 10 (g),
repealed

6. Subsections 11 (3) and (4) of the said Act are repealed and the following substituted therefor:

s. 11 (3, 4),
re-enacted

(3) The President shall be charged with the general oversight of the University as a whole and shall be the Chief Administrative Officer of the Board.

Idem

(4) The Principal of each College shall have general supervision of the life and work of his College and shall be Chairman and Chief Administrative Officer of the Council of his College.

Idem

7.—(1) Subsection 13 (1) of the said Act is repealed and the following substituted therefor:

s. 13 (1),
re-enacted

(1) There shall be a Council of Victoria College which shall consist of the following:

Council of
Victoria
College

1. The President of Victoria University.

2. The Principal of Victoria College.

3. The Registrar of Victoria University.

4. The Librarian of Victoria University.

5. The Dean of Men and the Dean of Women.

6. All members of the teaching staff of Victoria College.

7. Students of Victoria College to the number of 20 per cent of the non-student members of the Council, elected annually by vote of the students of Victoria College.

(2) Clause 13 (2) (b) of the said Act is amended by striking out "1947" in the second line and inserting in lieu thereof "1971".

s. 13 (2) (b),
amended

(3) Clause 13 (2) (d) of the said Act is amended by striking out "Senate" in the third line and inserting in lieu thereof "Governing Council".

s. 13 (2) (d),
amended

(4) Clause 13 (2) (f) of the said Act is repealed.

s. 13 (2) (f),
repealed

8.—(1) Subsection 15 (1) of the said Act is repealed and the following substituted therefor:

s. 15 (1),
re-enacted

(1) There shall be a Council of Emmanuel College which shall consist of the following:

Council of
Emmanuel
College

1. The President of Victoria University.
2. The Principal of Emmanuel College.
3. The Registrar of Victoria University.
4. The Librarian of Victoria University.
5. The Librarian of Emmanuel College.
6. All members of the teaching staff of Emmanuel College.
7. The six members elected by the alumni of Emmanuel College as members of the Senate of Victoria University.
8. The five members elected by the alumni of Emmanuel College to be members of the Board.
9. Six students of Emmanuel College elected annually by a vote of the students of Emmanuel College.
10. Such other classes of members as the Council may recommend, and the Board approves, the number of such persons, not exceeding five, to be elected in accordance with the regulations that may be made from time to time by the Board.

s. 15 (2) (f),
re-enacted

- (2) Clause 15 (2) (f) of the said Act is repealed and the following substituted therefor:

(f) To make rules and regulations for governing its own proceedings, including the determining of the quorum necessary for the transaction of business.

s. 16 (2),
re-enacted

9. Subsection 16 (2) of the said Act is repealed and the following substituted therefor:

Disciplinary
jurisdiction
of Caput

(2) Subject to subsection (5), the Caput has disciplinary jurisdiction over the conduct of the students of Victoria University and its Colleges in all matters arising or occurring in or upon the grounds and buildings of Victoria University, including residences.

Idem

(3) The disciplinary jurisdiction of the Caput includes the power to impose fines and to suspend or expel students from membership in Victoria University and to exclude students from any or all of the privileges of membership in Victoria University either temporarily or permanently.

(4) For the purposes of subsection 9 (1) of *The University of Toronto Act, 1971*, the Caput shall be deemed to be a council to which the Caput of the University of Toronto may delegate its authority.

Delegation
of power
to Caput
1971, c. 56

(5) The Board has and shall be deemed always to have had authority,

Powers of
Board

- (a) to make disciplinary regulations with respect to the academic conduct of the students of Victoria University and its Colleges;
- (b) to delegate its authority in such matters to such tribunals as it may establish from time to time; and
- (c) to enter into agreements with the University of Toronto respecting the exercise of disciplinary jurisdiction related to the academic conduct of the students of Victoria University and its Colleges.

10. Section 18 of the said Act is repealed.

s. 18,
repealed

11. The members of The Board of Regents of Victoria University, the Senate of Victoria University, the Council of Victoria College and the Council of Emmanuel College, as constituted immediately prior to the coming into force of this Act, are hereby continued in office and shall constitute the Board, Senate and Councils, respectively, until the members thereof are elected or appointed in accordance with this Act.

Transition

12. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

13. The short title of this Act is the *Victoria University Act, 1981*.

Short title

CHAPTER 105

**An Act to revive
Waltham Creative Printing Limited***Assented to December 11th, 1981*

WHEREAS Wallace Edwards hereby represents that Waltham Creative Printing Limited, herein called the Corporation, was incorporated by certificate of incorporation dated the 26th day of August, 1971; that the Minister of Consumer and Commercial Relations, by notice of dissolution dated the 6th day of February, 1979 and made under the authority of subsection 251 (3) of *The Business Corporations Act*, being chapter 53 of the Revised Statutes of Ontario, 1970, cancelled the certificate of incorporation of the Corporation for default in complying with *The Corporations Tax Act*, 1972, and declared that the Corporation be dissolved on the 6th day of February, 1979; that the applicant was the only shareholder and the president of the Corporation; that the notice of default required by subsection 251 (2) of the said *Business Corporations Act*, although sent to the Corporation was not received by the applicant and the applicant was not aware of the dissolution of the Corporation until more than two years after its dissolution; that this application is being made in order for the Corporation to carry on active business; and whereas the applicant hereby applies for special legislation reviving the Corporation; and whereas it is expedient to grant the application;

Preamble

1972, c. 143

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Waltham Creative Printing Limited is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position as a company incorporated by certificate of incorporation, including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts, as at the date of its dissolution, in the same manner and to the same extent as if it had not been dissolved.

Waltham
Creative
Printing
Limited
revived

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

Short title

3. The short title of this Act is the *Waltham Creative Printing Limited Act, 1981*.

CHAPTER 106

An Act respecting the City of Windsor

Assented to June 26th, 1981

WHEREAS The Corporation of the City of Windsor considers it expedient to establish a corporation to accept voluntary donations on behalf of the City of Windsor towards the rehabilitation of Willistead Manor; and whereas the applicant hereby applies for special legislation for such purpose; and whereas it is expedient to grant the application; Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Interpretation

- (a) "board" means the board of directors of the Corporation;
- (b) "City" means The Corporation of the City of Windsor;
- (c) "Corporation" means Willistead Manor Inc.;
- (d) "council" means the council of the City;
- (e) "director" means a person appointed to the board as a member thereof.

2.—(1) There is hereby established a corporation without share capital under the name of "Willistead Manor Inc." Willistead Manor, Inc., incorporated

(2) The Corporation shall have a corporate seal upon which its corporate name shall appear. Corporate seal

(3) The head office of the Corporation shall be at the City of Windsor. Head office

(4) In the event of conflict between any provision of this Act and any provision of the *Corporations Act*, the provision of this Act prevails. Conflict with R.S.O. 1980, c. 95

Objects

3. The objects of the Corporation are to receive, maintain, manage, control and use donations for charitable purposes for the rehabilitation of Willistead Manor in the City of Windsor.

Board of directors

4.—(1) The board shall be composed of fifteen persons who shall be appointed by resolution of council.

Term of office

(2) The directors shall be appointed for terms of office as follows:

1. Seven first directors shall be appointed for a term of one year.

2. Eight first directors shall be appointed for a term of two years.

3. Directors appointed after the first directors shall be appointed for a term of two years.

Removal

(3) Council may at any time terminate the term of office of any director by resolution passed by a vote of at least two-thirds of the members of council.

Vacancies

(4) Where a vacancy occurs in the board for any cause, council may appoint a director for the remainder of the term for which his predecessor was appointed.

Reappointment

(5) Council may reappoint a director upon the expiration of his term of office.

Non-profit corporation

5.—(1) The Corporation shall be carried on without the purpose of gain for the members of the board and any profits or other accretions to the Corporation shall be used in promoting its objects and purposes.

Application of property

(2) The property of the Corporation shall be applied solely for the objects and purposes of the Corporation.

Powers

6. For the purpose of attaining its objects, the Corporation has the power,

(a) to accept and hold any real or personal property granted, donated, devised, bequeathed or otherwise conveyed to it and to convert any such property into money;

(b) to advise council respecting,

(i) the operation of Willistead Manor,

- (ii) the development and maintenance of the grounds of "Willistead Park",
 - (iii) the promotion and development of Willistead Manor as a centre for amusement, entertainment and exhibitions,
 - (iv) the promotion of meetings, receptions and displays in Willistead Manor,
 - (v) the promotion of educational or cultural activities in Willistead Manor, and
 - (vi) the promotion of the performing arts, including musical and artistic work, in Willistead Manor; and
- (c) to pay over from time to time moneys received by the Corporation to the City Treasurer and the City shall use any money so received only for the purposes of operating, renovating and furnishing Willistead Manor.

7.—(1) The directors shall elect annually a chairman and vice-chairman from amongst themselves. Chairman,
vice-
chairman

(2) The vice-chairman shall act in place and stead of the chairman when the chairman is absent. Absence of
chairman

(3) The chairman and vice-chairman are eligible for re-election during any subsequent term as director. Re-election

8. A majority of directors constitutes a quorum at any meeting of the directors. Quorum

9. A director may serve without compensation or with compensation in such amount as the council may determine. Compensation

10.—(1) The City Treasurer shall cause an audit to be made of the receipts and disbursements of the funds of the Corporation and shall report thereon to council not later than the 31st day of March in each year. Audit

(2) The Corporation shall be subject in all respects to the *Charitable Gifts Act*, the *Charities Accounting Act* and the *Mortmain and Charitable Uses Act*. Application of
R.S.O. 1980,
cc. 63, 65, 297

Budget	11. —(1) The Corporation shall submit its annual budget on or before the 2nd day of January in each year to council for approval.
Expenditure	(2) The Corporation may, in accordance with its budget as approved by council, pay expenses and any other sums of money required for the carrying out of its objects.
Dissolution	12. The council may, by by-law passed by a vote of at least three-quarters of all the members thereof, dissolve the Corporation, and after the payment of all debts and liabilities, the remaining property of the Corporation shall vest in the City and be used solely for the rehabilitation of Willistead Manor.
Commence- ment	13. This Act comes into force on the day it receives Royal Assent.
Short title	14. The short title of this Act is the <i>City of Windsor Act, 1981</i> .

Appendix

This Appendix contains the Bills that were passed by the Legislature after the 31st day of December, 1980 and before the Revised Statutes of Ontario, 1980 came into force. They are shown in the form in which they were passed, before their revision by the commissioners under the authority of section 4 of *The Statutes Revision Act, 1979*.

Part I contains the public Bills, which are published in revised form in this volume with the public Acts as the first 30 chapters.

Part II contains the private Bills, which are published in revised form in this volume with the private Acts as chapters 92, 95, 96, 98, 99, 101, 103 and 106.

PART I
PUBLIC BILLS

BILL 21

1981

(Chapter 1)

An Act to amend The Liquor Licence Act, 1975

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *x* of section 40 of *The Liquor Licence Act, 1975*, being chapter 40, as enacted by the Statutes of Ontario, 1978, chapter 42, section 1, is repealed and the following substituted therefor:

(*x*) prohibiting or regulating and controlling the possession of liquor in provincial parks, in a park managed or controlled by the Niagara Parks Commission, the St. Lawrence Parks Commission, the St. Clair Parkway Commission or on lands owned or controlled by a conservation authority established or continued under *The Conservation Authorities Act*.

s. 40 (*x*),
re-enacted

R.S.O. 1970,
c. 78
2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment
3. The short title of this Act is *The Liquor Licence Amendment Act, 1981*.

Short title

BILL 20

1981

(Chapter 2)

An Act to amend The Personal Property Security Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Personal Property Security Act*, being chapter 344 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section: s. 65a,
enacted

65a. Notwithstanding clause *c* of subsection 1 of section 3 of this Act, a mortgage, charge or assignment the registration of which is provided for in *The Corporation Securities Registration Act* shall not be invalid by reason only that it has not been registered under that Act, if the security interest created by the mortgage, charge or assignment is perfected by registration in compliance with this Act and this Act shall be deemed always to have applied to any such security interest. Saving
R.S.O. 1970,
c. 88

2. Section 1 does not affect the rights acquired by any person from a judgment or order of any court prior to the day this Act comes into force, or affect the outcome of any litigation commenced on or before the 27th day of April, 1981. Saving
3. This Act comes into force on the day it receives Royal Assent. Commence-
ment
4. The short title of this Act is *The Personal Property Security Amendment Act, 1981*. Short title

BILL 48

1981

(Chapter 3)

An Act respecting Massey-Ferguson Limited

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Canada" means Her Majesty the Queen in right of Canada;
- (b) "Corporation" means Massey-Ferguson Limited, a corporation continued under the provisions of the *Canada Business Corporations Act*; 1974-75,
c. 33 (Can.)
- (c) "Minister" means the Minister of Industry and Tourism;
- (d) "Ontario" means Her Majesty the Queen in right of the Province of Ontario;
- (e) "Shares" means the eight million \$25 Stated Value Cumulative Redeemable Retractable Preferred Shares, Series "D" of the Corporation.

2.—(1) The Minister, on behalf of the Province of Ontario, is authorized to purchase, hold and sell Shares of the Corporation in accordance with the terms and conditions approved by the Lieutenant Governor in Council. Province
authorized
to acquire
Shares

(2) The number of Shares of the Corporation to be purchased by the Minister at any time under subsection 1 shall not exceed 37.5 per cent of the total aggregate number of such Shares to be purchased at any time by Ontario and Canada. Limitations

(3) Notwithstanding any other provision of this Act, the amount of money provided or payable by the Minister under this section to purchase Shares of the Corporation shall not exceed in aggregate the amount of \$78,000,000. Idem

Money to be
paid from
C.R.F.

(4) The money necessary for the purchase of Shares of the Corporation shall be paid out of the Consolidated Revenue Fund.

Money to be
paid into
C.R.F.

3. All money received by the Minister either upon the sale of any Shares of the Corporation or upon the payment of any amount with respect to any dividend on such Shares shall be paid into the Consolidated Revenue Fund.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. The short title of this Act is *The Massey-Ferguson Limited Act, 1981*.

BILL 76

1981

(Chapter 4)

An Act to amend The Tobacco Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Tobacco Tax Act*, being chapter 463 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following clauses: s. 1.
amended

(ga) "taxable price per cigarette" means the price per cigarette from time to time prescribed by regulation by the Minister as the taxable price per cigarette for such period of time as the Minister may prescribe, and in determining the taxable price per cigarette, the Minister shall use the median price obtained by him from such periodic sampling as he considers appropriate of the retail prices (excluding the tax imposed by this Act) of packages of twenty cigarettes in such part or parts of Ontario as he shall direct a sample to be taken, provided that no change in the taxable price per cigarette from time to time in effect shall come into force until at least two days after the filing of a regulation prescribing a different taxable price per cigarette;

(gb) "taxable price per gram" of tobacco, other than cigarettes or cigars, means the price per gram of such tobacco from time to time prescribed by regulation by the Minister as the taxable price per gram of such tobacco for such period of time as the Minister may prescribe, and in determining the taxable price per gram, the Minister shall use the median price obtained by him from such periodic sampling as he considers appropriate of the retail prices (excluding the tax imposed by this Act) of 50-gram packages of tobacco, other than cigarettes or cigars, in such part or parts of Ontario as he shall direct a sample to be taken, provided that no change in the taxable price per gram from time to time in effect shall come into force until at least two days after the filing of a regulation prescribing a different taxable price per gram.

s. 2 (1),
re-enacted

2. Subsection 1 of section 2 of the said Act, as re-enacted by the Statutes of Ontario, 1979, chapter 17, section 1, is repealed and the following substituted therefor:

Tax on
consumers

(1) Every consumer shall pay to Her Majesty in right of Ontario a tax at the rate of,

- (a) 36 per cent of the taxable price per cigarette on every cigarette purchased by him;
- (b) 30 per cent of the taxable price per gram on every gram or part thereof of any tobacco, other than cigarettes or cigars, purchased by him; and
- (c) 45 per cent of the price at retail of every cigar that is purchased by him, provided that where the application of such rate of tax produces a fraction of a cent, the fraction shall be counted as one full cent,

and until a taxable price per cigarette or taxable price per gram is prescribed by regulation by the Minister in accordance with this Act, every consumer shall pay to Her Majesty in right of Ontario a tax at the rate of,

- (d) 1.46 cents on every cigarette purchased by him; and
- (e) 0.7 cents on every gram or part thereof of any tobacco, other than cigarettes or cigars, purchased by him.

Idem

(1a) The tax imposed by this Act shall not be increased or reduced by reason of the fact that the price or consideration paid or given by a consumer for cigarettes or for tobacco, other than cigarettes or cigars, is different from the taxable price per cigarette or from the taxable price per gram, as the case may be.

s. 9 (1) (c),
amended

3. Clause *c* of subsection 1 of section 9 of the said Act is amended by striking out "audit or examination and to answer all questions relating to the audit or examination" in the eighth and ninth lines and inserting in lieu thereof "audit or examination, or the determination by him of the retail price of any tobacco sold, and to answer all questions relating to such audit, examination or determination".

s. 11c(1),
re-enacted

4. Subsection 1 of section 11c of the said Act, as enacted by the Statutes of Ontario, 1980, chapter 27, section 4, is repealed and the following substituted therefor:

Penalty
for selling
tobacco
with no
wholesale
dealer's
permit

(1) Every person who sells tobacco in Ontario for resale without holding a subsisting wholesale dealer's permit issued under this Act shall, when assessed therefor, pay a penalty computed as follows:

- (a) 1.25 times the amount of tax that would have been exigible on cigarettes, so sold by him if such cigarettes had been purchased by a consumer;
- (b) twice the amount of tax that would be exigible on tobacco, other than cigarettes or cigars, so sold by him if such tobacco had been purchased by a consumer; and
- (c) 50 per cent of the price at which each cigar was so sold by him.

5. Subsection 2 of section 12 of the said Act is amended,

s. 12 (2),
amended

- (a) by inserting after "province" in the seventh line "or territory"; and
- (b) by striking out "federal or provincial law" in the twelfth and thirteenth lines and inserting in lieu thereof "federal, provincial or territorial law or ordinance".

6.—(1) Clauses *e*, *f* and *l* of subsection 1 of section 16 of the said Act are repealed.

s. 16 (1)
(*e*, *f*, *l*),
repealed

(2) Subsection 1*a* of the said section 16, as enacted by the Statutes of Ontario, 1977, chapter 11, section 7, is repealed and the following substituted therefor:

s. 16 (1*a*),
re-enacted

(1*a*) The Minister may make regulations,

Minister
may make
regulations

- (a) prescribing any form required by this Act or the regulations or that, in his opinion, will assist in the administration of this Act, and prescribing how and by whom any form shall be completed and what information it shall contain;
- (b) prescribing the returns and statements to be made by importers, manufacturers and dealers of tobacco, the information to be given in such returns and statements, and by whom and in what manner they are to be made;
- (c) providing for the extension of time for making returns;
- (d) providing for the refund of the whole or any part of the tax paid under this Act, and prescribing the records and material to be furnished upon any application for a refund;
- (e) prescribing the taxable price per cigarette or taxable price per gram to be in effect from time to time for cigarettes or for tobacco, other than cigarettes or cigars,

and prescribing the period of time for which taxable price per cigarette or taxable price per gram shall be in effect;

- (f) fixing to the nearest hundredth of a cent the tax per cigarette or per gram of tobacco, other than cigarettes or cigars, to be paid under this Act as a result of the prescribing from time to time of a taxable price per cigarette or taxable price per gram in accordance with clause e.

Commence-
ment

- 7.**—(1) This Act, except sections 1, 2 and 6, comes into force on the day it receives Royal Assent.

Idem

- (2) Sections 1, 2 and 6 shall be deemed to have come into force on the 20th day of May, 1981.

Short title

- 8.** The short title of this Act is *The Tobacco Tax Amendment Act, 1981*.

BILL 81 1981
(Chapter 5)

An Act to amend The Race Tracks Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsections 1 and 2 of section 2 of *The Race Tracks Tax Act*, being chapter 397 of the Revised Statutes of Ontario, 1970, are repealed and the following substituted therefor: s. 2 (1, 2),
re-enacted

(1) Every holder of a winning ticket issued under the pari-mutuel system upon a race run at a race meeting shall pay a tax, Tax on
bets

- (a) at the rate of 9 per cent in the case of a triactor bet or wager; and
- (b) at the rate of 7 per cent in the case of all other bets or wagers,

upon the amount that would be payable to him if no percentage were deducted or retained by the person holding the race meeting in respect of such race.

(2) The tax shall be collected by the person holding the race meeting as the agent of the Treasurer by deducting from the total amount bet or wagered upon such race a sum equal to, Collection

- (a) 9 per cent of the total amount bet or wagered on a triactor bet; and
- (b) 7 per cent of the total amount bet or wagered otherwise than on a triactor bet,

and the sums so deducted shall be paid over to the Treasurer at the close of each day's racing.

- 2.—(1) Section 10 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 20, section 1, is further amended by adding thereto the following clause: s. 10,
amended

(d) defining the term "triator" and the class or kind of bet or wager to which that term applies.

s. 10,
amended

(2) The said section 10 is further amended by adding thereto the following subsection:

Retroactivity

(2) A regulation is, if it so provides, effective with reference to a period before it was filed but not earlier than the 20th day of May, 1981.

Exemption

3. Where the Minister is satisfied that it has not, until some time after the 19th day of May, 1981, proved practicable in any particular case for the person holding a race meeting to adapt the pari-mutuel betting system in use at the race meeting to take into account the tax of 9 per cent provided for herein, the Minister may, by notice in writing to the person holding a race meeting, exempt all persons liable to pay or collect the tax from the amount of the tax in excess of 7 per cent, provided that the exemption shall not be for a period of time longer than that which the Minister considers reasonably necessary to make the adaptation required in any particular case.

Commence-
ment

4. This Act shall be deemed to have come into force on the 20th day of May, 1981.

Short title

5. The short title of this Act is *The Race Tracks Tax Amendment Act, 1981*.

BILL 103

1981

(Chapter 6)

**An Act to amend
The Toronto Islands Act, 1980**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 1 of *The Toronto Islands Act, 1980*, being chapter 60, is amended by striking out "1st day of July" in the seventh line and inserting in lieu thereof "31st day of December". s. 1 (1),
amended
2. This Act comes into force on the day it receives Royal Assent. Commence-
ment
3. The short title of this Act is *The Toronto Islands Amendment Act, 1981*. Short title

BILL 120

1981

(Chapter 7)

**An Act respecting
Certain Potential Assets of Co-operative
Health Services of Ontario**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, "trust property" means the funds in the possession of Montreal Trust Company of Canada on the 17th day of June, 1981, and any interest thereon, from the sale of the lands known municipally as 20 Finch Avenue West and 277 and 279 Duplex Avenue, all in the City of North York, in The Municipality of Metropolitan Toronto, sold by W. Ross Hitch, in Trust, to 462333 Ontario Limited. Interpretation

2. Notwithstanding the decision of any court, the trust property shall be held by Montreal Trust Company of Canada, as trustee, or by such other trustee as may be named by the Lieutenant Governor in Council, until such time as The Clarkson Company Limited applies to the Supreme Court of Ontario for discharge as liquidator of the estate and effects of Co-operative Health Services of Ontario. Funds to be held in trust

3. The trustee shall not distribute or, except for the purposes of transferring the trust property to a trustee appointed under clause *a* of section 4, release the trust property until The Clarkson Company Limited makes the application referred to in section 2. Dealings by trustee

- 4.** The Lieutenant Governor in Council may, by order, Powers of Lieutenant Governor in Council
- (a) name a person to act as trustee of the trust property and, where a person is so named, the trustee, as of the day of the order, shall take all steps necessary to transfer the trust property to the new trustee; and
 - (b) prescribe one or more classes of investments that may be made by the trustee with respect to the trust prop-

erty and fix the compensation of the trustee, which compensation shall be paid out of the trust property.

Commence-
ment

5. This Act shall be deemed to have come into force on the 17th day of June, 1981.

Short title

6. The short title of this Act is *The Co-operative Health Services of Ontario Assets Protection Act, 1981*.

BILL 59 1981

(Chapter 8)

An Act to amend The Fire Marshals Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Fire Marshals Act*, being chapter 172 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following clause: s. 1.
amended

(aa) "fire code" means the regulations made under section 19a.

- 2.—(1) Subsection 2 of section 19 of the said Act is amended by inserting after "property" in the tenth line "or that a provision of the fire code is being contravened" and by adding thereto the following clauses: s. 19 (2).
amended

(d) with the approval of the Fire Marshal and on such terms and conditions as the Fire Marshal considers proper, the closing of the buildings, other structures or premises until such time as corrective action has been taken and the hazardous condition has been rectified; and

(e) the remedying of any contravention of the fire code.

- (2) The said section 19 is amended by adding thereto the following subsections: s. 19.
amended

(2a) Where repairs, alterations or installations are carried out in compliance with an order made under this section, the repairs, alterations or installations shall be deemed not to be in contravention of the building code established under *The Building Code Act*, 1974, notwithstanding the provisions thereof. Repairs, etc.,
deemed not to
be in contra-
vention of
1974, c. 74

(2b) Where a building, other structure or premises has been constructed within the meaning of *The Building Code Act*, 1974 in compliance with the building code established under that Act No order
where
compliance
with
1974, c. 74

and continues to comply with that code as it existed at the time of construction, no officer making an inspection shall order the making of structural repairs or alterations in the building, other structure or premises.

Copy of
order

1974, c. 74

(2c) Where the officer making an inspection orders the making of repairs, alterations or installations in the building, other structure or premises, he shall furnish a copy of the order to the proper chief building official appointed under *The Building Code Act, 1974*.

Contents and
service
of order

(4a) An order made by an officer under subsection 2 or 4 shall set out the reasons for the order, the action required to be taken, the time for compliance with the order and the right to request a review of the order and to apply for a hearing and appeal under this section, and a copy of the order shall be served upon the owner and occupant of the building, other structure or premises.

s. 19 (5-16),
re-enacted

(3) Subsections 5 to 16 of the said section 19 are repealed and the following substituted therefor:

Direction
by Fire
Marshal

(5) Where an order made under clause *d* of subsection 2 requires the closing of a building, other structure or premises and the Fire Marshal is of the opinion that it is necessary for the immediate protection of persons and property that the building, other structure or premises should be closed forthwith, the Fire Marshal may direct that the building, other structure or premises be closed forthwith and remain closed until the corrective action required by the order has been taken or an appeal from the order is heard and determined.

Informal
review

(6) The Fire Marshal may, upon the request in writing of the occupant or owner of the building, other structure or premises or in any other case he sees fit, review and amend or rescind an order made by an officer under subsection 2 or 4 and in so doing the Fire Marshal is not required to hold a hearing.

Appeal to
Fire Code
Commission

(7) Any person who considers himself aggrieved by an order made by the Fire Marshal or an officer under subsection 2 or 4 or amended under subsection 6 may, within ten days after the order is made or amended, apply to the Fire Code Commission for a hearing and appeal.

Powers of
Commission

(8) Where an application is made under subsection 7, the Fire Code Commission shall appoint a time for and hold the hearing and may rescind or affirm the order of the Fire Marshal or officer

or take such action as the Commission considers the Fire Marshal or officer ought to take in accordance with this section, and for such purposes the Commission may substitute its opinion for that of the Fire Marshal or officer.

(9) The Fire Code Commission may extend the time for making an application under subsection 7 either before or after expiration of the time fixed therein, where it is satisfied that there are *prima facie* grounds for granting relief to the applicant pursuant to a hearing and that there are reasonable grounds for applying for the extension and may give such directions as it considers proper consequent upon the extension, but no application for extension of time shall be made more than thirty days after the order appealed from was made or amended. Extension of time

(10) The Fire Code Commission may, upon application therefor which may be made *ex parte*, order that the order appealed from be not stayed pending the outcome of the appeal but shall take effect immediately where, in its opinion, such action is necessary in the interest of public safety. Lifting of stay

(11) Any party to the hearing before the Fire Code Commission under subsection 8 may appeal from the decision of the Commission to the Divisional Court in accordance with the rules of court. Appeal to Divisional Court

(12) The Minister is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under subsection 11. Minister entitled to be heard

(13) An appeal under subsection 11 may be made on any question that is not a question of fact alone and the court may confirm or alter the decision of the Fire Code Commission or direct the Fire Marshal or officer to do any act he is authorized to do under this section or may refer the matter back to the Commission for reconsideration by the Commission as the court considers proper and the court may substitute its opinion for that of the Fire Marshal or officer or the Commission. Powers of court on appeal

(14) Every person who fails to comply with an order made under subsection 2, 4, 8 or 13 is guilty of an offence and on conviction is liable to a fine of not less than \$100 and not more than \$1,000 for every day during which the default continues, and the imposition or payment of the fine does not relieve the person from complying with the order. Offence

(15) Where an order is not complied with within thirty days after conviction under subsection 14, a provincial offences court may, upon application by the Fire Marshal or an officer which may be made *ex parte*, order the closing or removal of the building, other structure or premises or the removal of any sub- Powers of provincial offences court

stance, material or thing therefrom where, in its opinion, such action is necessary in the interest of public safety.

Owner liable
for expenses
for closing
or removal

(16) Where the order of a provincial offences court made under subsection 15 is carried out by the Fire Marshal or an officer and the building, other structure or premises are in a municipality the expenses actually and necessarily incurred by Ontario or the municipal corporation, as the case may be, may be added by the clerk to the collector's roll and may be collected as municipal taxes, and any moneys so collected that represent expenses incurred by Ontario shall be paid to Ontario.

Service
and
posting
of notice

(17) Where an order or direction made under subsection 2, 5 or 15 requires the closing of a building, other structure or premises, a copy of the order or direction shall be served upon the owner if his whereabouts in Ontario are known and shall be posted on the building, other structure or premises and no person shall enter the building, other structure or premises or remove such copy unless authorized by the Fire Marshal or an officer.

Offence

(18) Every person who contravenes subsection 17 is guilty of an offence and on conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both.

Fine

(19) Every person who hinders or disturbs the Fire Marshal or an officer in the exercise of his duties under this section is liable on conviction under section 16 to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both.

Restraining
order

(20) Where it appears to the Fire Marshal or an officer that any person does not comply with an order made under this section, notwithstanding the imposition of any penalty in respect of such noncompliance and in addition to any other rights he may have, the Fire Marshal or officer may apply to a judge of the High Court for an order directing such person to comply with such order, and upon the application, the judge may make such order as the judge thinks fit.

Appeal

(21) An appeal lies to the Divisional Court from an order made under subsection 20.

Service
of notice,
etc.

(22) Where any notice, order, direction or other document is authorized or required to be given, served or delivered to a person under this section, the document may be served personally or by mail addressed to the person or his agent for service at his last known address and, where service is by mail, the service shall be deemed to have been made on the fifth day after the day

of mailing unless the person or his agent for service establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the document until a later date.

(23) In this section and in sections 19*a* and 19*c*, "officer" ^{Interpre-} means the Deputy Fire Marshal, a district deputy fire marshal, an ^{tation} inspector or an assistant to the Fire Marshal, unless the context otherwise requires.

3.—(1) The said Act is amended by adding thereto the following ^{s. 19*a*,} section: ^{enacted}

19*a*.—(1) The Lieutenant Governor in Council may make ^{Regulations} such regulations as are considered advisable or necessary for the purpose of establishing a fire code for Ontario governing fire safety standards for buildings, other structures and premises including, but without limiting the generality of the foregoing, regulations,

- (*a*) prescribing any method, matter or thing relating to fire prevention and fire protection;
- (*b*) requiring and regulating fire prevention and fire protection equipment and systems;
- (*c*) requiring and regulating means of egress, fire separations, finish materials, furnishings and decorations, standards of housekeeping and heating, ventilation, air conditioning and incinerating equipment and systems;
- (*d*) controlling or prohibiting any material, substance, equipment or system affecting fire safety;
- (*e*) requiring and regulating procedures respecting fire safety and the keeping and furnishing of records and reports;
- (*f*) requiring the approval of the Fire Marshal in respect of any method, matter or thing;
- (*g*) requiring notice to be given to the Fire Marshal respecting any change in use or occupancy;
- (*h*) prescribing conditions for use, occupation or demolition;
- (*i*) exempting any class of building, other structure or premises from compliance with the regulations or any provision thereof, and attaching terms and conditions to such exemptions;

(j) adopting by reference, in whole or in part, with such changes as the Lieutenant Governor in Council considers necessary, any code or standard and requiring compliance with any code or standard that is so adopted;

(k) prescribing forms and providing for their use.

Limitation
of
application

(2) Any regulation made under this section may be limited in its application territorially or to any class of building, other structure or premises or to any building, other structure or premises used for any specified purpose.

Fire code
does not
apply
1974, c. 74

(3) The fire code does not apply to a building that is under construction within the meaning of *The Building Code Act, 1974*.

Municipal
by-laws
superseded

(4) The fire code supersedes all municipal by-laws respecting fire safety standards for buildings and other structures and premises.

Offence

(5) Every person who contravenes any provision of the fire code and every director or officer of a corporation who knowingly concurs in such contravention is guilty of an offence and on conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both.

Idem

(6) Where a corporation is convicted of an offence under subsection 5, the maximum penalty that may be imposed upon the corporation is \$10,000 and not as provided therein.

Application
of certain
subsections
of s. 19

(7) Where a person is convicted of an offence under subsection 5 of this section, subsections 15, 16, 17, 18 and 22 of section 19 apply with necessary modifications as if the conviction were made under subsection 14 of that section.

Idem

(8) Where a person is contravening any provision of the fire code, subsections 20 and 21 of section 19 apply with necessary modifications as if the person were not complying with an order made by an officer.

ss. 19b, 19c,
enacted

(2) The said Act is further amended by adding thereto the following sections:

Fire Code
Commission
established

19b.—(1) The Fire Code Commission is established, composed of such number of members as is determined by the Lieutenant Governor in Council.

Appointment
of members

(2) The Lieutenant Governor in Council shall appoint the members to the Commission, none of whom shall be persons in the public service of Ontario or of a municipality, and may

designate one of the members as chairman and one or more of the members as vice-chairmen.

(3) The members of the Commission shall receive such remuneration and expenses as the Lieutenant Governor in Council may determine. Remuneration

(4) Three members of the Commission constitute a quorum. Quorum

(5) The findings of fact of the Commission pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*. Evidence 1971, c. 47

(6) Members of the Commission shall not participate in a decision of the Commission pursuant to a hearing unless they were present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Commission shall be given unless all members so present participate in the decision. Only members at hearing to participate in decision

(7) Documents and things put in evidence at the hearing shall, upon the request of the person who produced them, be released to him by the Commission within a reasonable time after the matter in issue has been finally determined. Release of documentary evidence

(8) The Lieutenant Governor in Council may make regulations prescribing procedures of the Fire Code Commission. Regulations

19c.—(1) No action or other proceeding for damages lies or shall be instituted against a member of the Fire Code Commission, the Fire Marshal, anyone acting under his authority or an officer for an act or omission by him in good faith in the execution or intended execution of any power or duty under this Act or the regulations. Immunity from actions

(2) Subsection 1 does not relieve the Crown or a municipal corporation of liability in respect of a tort committed by a member of the Fire Code Commission, the Fire Marshal, a person acting under his authority or an officer to which either would otherwise be subject and the Crown or municipal corporation is liable for any such tort as if subsection 1 were not enacted. Liability of Crown and municipality

4. Clauses *f*, *g* and *h* of section 26 of the said Act are repealed. s. 26 (f-h), repealed

5.—(1) This Act, except section 2 and subsection 2 of section 3, comes into force on the day it receives Royal Assent. Commencement

Idem	(2) Section 2 and subsection 2 of section 3 come into force on a day to be named by proclamation of the Lieutenant Governor.
Short title	6. The short title of this Act is <i>The Fire Marshals Amendment Act, 1981</i> .

BILL 69

1981

(Chapter 9)

An Act to amend The Ontario Unconditional Grants Act, 1975

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *c* of subsection 1 of section 1 of *The Ontario Unconditional Grants Act, 1975*, being chapter 7, is amended by striking out "revised" in the fifteenth line and inserting in lieu thereof "returned". s. 1 (1) (c),
amended

2. Paragraphs 3 and 4 of section 3 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 7, section 1, are repealed and the following substituted therefor: s. 3,
pars. 3, 4,
re-enacted
 3. \$17 per capita where a regional municipality is deemed to be a city for the purposes of *The Police Act*. R.S.O. 1970,
c. 351

 4. \$12 per capita based on the population of each area municipality providing its own law enforcement by maintaining its own police force or being under contract for the policing of the municipality by the Ontario Provincial Police Force in accordance with *The Police Act*.

3. Clauses *c* and *d* of section 4 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 7, section 1, are repealed and the following substituted therefor: s. 4 (c, d),
re-enacted
 - (c) \$17 where a regional municipality is deemed to be a city for the purposes of *The Police Act*; or R.S.O. 1970,
c. 351

 - (d) \$12 in relation to each area municipality to which paragraph 4 of section 3 applies.

4. Subsection 3 of section 5 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 7, section 2, is repealed and the following substituted therefor: s. 5 (3),
re-enacted

Idem

(3) In each year, payments of \$12 per capita shall be made to each municipality providing its own law enforcement by maintaining its own police force, or being under contract for the policing of the municipality by the Ontario Provincial Police Force in accordance with *The Police Act*.

R.S.O. 1970,
c. 351s. 6a,
amended

5. Section 6a of the said Act, as enacted by the Statutes of Ontario, 1980, chapter 75, section 2, is amended by striking out "revised" in the seventh line and inserting in lieu thereof "returned".

s. 7 (1) (e),
amended

- 6.—(1) Clause e of subsection 1 of section 7 of the said Act is amended by striking out "revised" in the third line and inserting in lieu thereof "returned".

s. 7 (5),
amended

- (2) Subsection 5 of the said section 7, as re-enacted by the Statutes of Ontario, 1979, chapter 10, section 1, is amended by striking out "revised assessment roll as equalized by the Ministry of Revenue" in the tenth and eleventh lines and inserting in lieu thereof "returned assessment roll as equalized in accordance with the factor by which the last revised assessment roll of the lower tier municipality was equalized for apportionment purposes in the year 1979".

s. 9,
re-enacted

7. Section 9 of the said Act, as re-enacted by the Statutes of Ontario, 1979, chapter 111, section 1, is repealed and the following substituted therefor:

Resource
equalization
grants

9.—(1) In each year there shall be paid a resource equalization grant in respect of each lower tier municipality whose equalized assessment per capita in the preceding year as is determined in the prescribed manner is below such standard equalized assessment per capita as may be prescribed, and the amount of the grant shall be based, in the manner and subject to such limits as may be prescribed, on the proportion that 60 per cent of such deficiency of equalized assessment per capita bears to the prescribed standard equalized assessment per capita as applied to the net levy of the lower tier municipality.

Payment
of grants

(2) A grant payable under subsection 1 shall be paid to the lower tier municipality in respect of which it was determined and to the upper tier municipality within which that lower tier municipality is situate, in the proportion prescribed, and the portion of the grant payable to the upper tier municipality in that year shall be credited by the upper tier municipality to its general funds.

Limiting
shifts in
taxation

(3) For the purposes of limiting shifts in taxation caused by a change in the resource equalization grant formula as prescribed in subsection 1, the Lieutenant Governor in Council may, by regulation, provide for the payment of grants on such terms and

conditions as set out in the regulation to lower tier municipalities and to upper tier municipalities which would otherwise experience increases in taxation by reason of a revised resource equalization grant formula.

(4) In each year, the clerk of every lower tier municipality that will receive a resource equalization grant in the current year shall provide, on or before the 15th day of March, to the upper tier municipality, a statement of the total estimated resource equalization grant for the current year with a determination of the estimated entitlement payable to the upper tier municipality.

Notification
by clerk

(5) The clerk of every lower tier municipality upon receiving notice from the Ministry of the amount of resource equalization grant shall provide to the upper tier municipality a statement of the total grant and the portion payable to the upper tier municipality.

Idem

8. Subsection 1 of section 10 of the said Act, as amended by the Statutes of Ontario, 1979, chapter 111, section 3, is repealed and the following substituted therefor:

s. 10 (1),
re-enacted

(1) For the purposes of apportioning the amounts required for a district home established under *The Homes for the Aged and Rest Homes Act* or a district welfare administration board, established under *The District Welfare Administration Boards Act*, the equalized assessment of a lower tier municipality shall be increased by an amount that would have produced the amount of the resource equalization grant entitlement in the preceding year by the taxation of real property at the rate determined by dividing the total taxes levied for all purposes, other than school purposes, on commercial assessment in the preceding year, by the total equalized commercial assessment for the preceding year, times 1,000.

Where
equalized
assessment
of lower tier
municipality
to be
increased
R.S.O. 1970,
cc. 206, 132

9. The said Act is amended by adding thereto the following section:

s. 11,
enacted

11.—(1) Notwithstanding the provisions of any general or special Act, for purposes of limiting shifts in taxation caused by a change in equalization factors resulting from a new determination under section 71 of *The Assessment Act*, the Lieutenant Governor in Council may, each year by regulation, prescribe an alternative basis on which apportionments, levies and requisitions are to be made by the councils of upper and lower tier municipalities and by any local board, or class thereof, as are specified in the regulation, and the regulation may be retrospective in effect.

Alternative
basis on
which
apportion-
ments,
etc., made
R.S.O. 1970,
c. 32

(2) For purposes of limiting shifts in taxation caused by change in the apportionment formula as prescribed in subsection

Limiting
shifts
in taxation

1, or caused by change in equalization factors resulting from a new determination under section 71 of *The Assessment Act*, the Lieutenant Governor in Council may in each year by regulation provide for the payments of grants on such terms and conditions as are set out in the regulation, to lower tier municipalities and to upper tier municipalities which would otherwise experience increases in taxation by reason of a revised apportionment formula or change in their equalization factor, and the regulation may be retrospective in effect.

Moneys

(3) The moneys required for the purposes of subsection 2 shall be paid out of the moneys appropriated therefor by the Legislature.

Commence-
ment

10. This Act shall be deemed to have come into force on the 31st day of January, 1981.

Short title

11. The short title of this Act is *The Ontario Unconditional Grants Amendment Act, 1981*.

BILL 70

1981

(Chapter 10)

**An Act to authorize the
Raising of Money on the Credit of the
Consolidated Revenue Fund**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The Lieutenant Governor in Council is hereby authorized to raise from time to time by way of loan in any manner provided by *The Financial Administration Act* such sum or sums of money as are considered necessary for discharging any indebtedness or obligation of Ontario, for making any payments authorized or required by any Act to be made out of the Consolidated Revenue Fund or for reimbursing the Consolidated Revenue Fund for any moneys expended for any of such purposes, provided that the principal amount of any securities issued and temporary loans raised under the authority of this Act shall not exceed in the aggregate \$1,900,000,000.

Loans up to
\$1,900,000,000

R.S.O. 1970
c. 166

(2) The sum of money authorized to be raised by subsection 1 for the purposes mentioned therein shall include the principal amounts of Province of Ontario debentures issued to the Teachers' Superannuation Fund under authority of *The Teachers' Superannuation Act* and to the Ontario Municipal Employees Retirement Fund under authority of *The Ontario Municipal Employees Retirement System Act*, but shall be in addition to all sums of money authorized to be raised by way of loan under any other Act.

Idem

R.S.O. 1970,
cc. 455, 324

2. No money shall be raised, by way of loan under subsection 1 of section 1 except to the extent authorized by order of the Lieutenant Governor in Council made prior to the 30th day of September, 1982.

Limitation

3. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

4. The short title of this Act is *The Ontario Loan Act, 1981*.

Short title

BILL 72

1981

(Chapter 11)

An Act to amend The Gasoline Tax Act, 1973

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Gasoline Tax Act, 1973*, being chapter 99, as amended by the Statutes of Ontario, 1980, chapter 24, section 1, is further amended by adding thereto the following clause: s. 1.
amended

(ja) "taxable price per litre" of any grade or type of gasoline designated by the Minister means the price per litre from time to time prescribed by the Minister as the taxable price per litre of that grade or type of gasoline for such period of time as the Minister may prescribe, and in determining the taxable price per litre of any grade or type of gasoline, the Minister shall use the median price obtained by him from such periodic sampling as he considers appropriate of the retail prices (excluding the tax imposed by this Act) of gasoline in such part or parts of Ontario as he shall direct a sample to be taken, provided that no change in the taxable price per litre of gasoline from time to time in effect shall come into force until at least two days after the filing of a regulation prescribing a different taxable price per litre of any grade or type of gasoline.

2. Subsections 1 and 2 of section 2 of the said Act, as re-enacted by the Statutes of Ontario, 1979, chapter 16, section 1, are repealed and the following substituted therefor: s. 2 (1, 2).
re-enacted

(1) Every purchaser of gasoline shall, for all gasoline purchased, or delivery of which is received, by him, pay to the Treasurer a tax at the rate of 20 per cent of the taxable price per litre applicable to the grade or type of gasoline so purchased or delivered, and until a taxable price per litre is prescribed by the Minister in accordance with this Act, every purchaser of gasoline shall pay to the Treasurer a tax at the rate of, Tax payable
by purchaser
of gasoline

(a) 5.4 cents per litre of regular leaded gasoline;

(b) 5.8 cents per litre of regular unleaded gasoline; and

(c) 6 cents per litre of premium leaded or unleaded gasoline,

purchased, or delivery of which is received, by him.

Tax on
aviation fuel

R.S.O. 1970,
c. 282

(2) Every purchaser of aviation fuel shall, for all aviation fuel purchased, or delivery of which is received, by him, pay to the Treasurer a tax at the rate of 5.13 per cent of the taxable price per litre of fuel from time to time prescribed for the purposes of *The Motor Vehicle Fuel Tax Act*, and until a taxable price per litre of fuel is prescribed by the Minister in accordance with *The Motor Vehicle Fuel Tax Act*, every purchaser of aviation fuel shall pay to the Treasurer a tax at the rate of 1.32 cents per litre of aviation fuel purchased, or delivery of which is received, by him.

Idem

(2a) The tax imposed by this Act shall not be increased or reduced by reason of the fact that the price or consideration paid or given by a purchaser for gasoline or aviation fuel is different from the taxable price per litre of that gasoline or aviation fuel.

s. 31 (*d, h, k*),
repealed

3.—(1) Clauses *d, h* and *k* of section 31 of the said Act are repealed.

s. 31,
amended

(2) The said section 31, as amended by the Statutes of Ontario, 1979, chapter 16, section 3, is further amended by adding thereto the following subsections:

Idem

(2) The Minister may make regulations,

(a) prescribing any form that is required by this Act or the regulations or that, in his opinion, will assist in the administration of this Act, and prescribing how and by whom any form shall be completed and what information it shall contain;

(b) prescribing the returns and statements to be made by importers, manufacturers, wholesalers, retailers and purchasers of gasoline or aviation fuel, the information to be given in such returns and statements and by whom and in what manner they shall be made, and prescribing the records to be kept by such persons;

(c) providing for the refund of the tax paid under this Act or any portion thereof, to any purchaser or class of purchasers, and prescribing the records and material to be furnished upon any application for a refund;

(d) prescribing the taxable price per litre of gasoline to be in effect from time to time, the period of time for which

such price shall be in effect, and designating grades or types of gasoline and the taxable price per litre applicable to any such grade or type;

(e) fixing to the nearest tenth of a cent the tax per litre of gasoline to be paid under this Act as a result of the prescribing from time to time of a taxable price per litre of gasoline in accordance with clause *d*;

(f) fixing to the nearest hundredth of a cent the tax per litre of aviation fuel to be paid under this Act as a result of the prescribing from time to time of a taxable price per litre of fuel in accordance with clause *b* of subsection 3 of section 21 of *The Motor Vehicle Fuel Tax Act*.

R.S.O. 1970.
c. 282

(3) A regulation, other than a regulation prescribing the taxable price per litre of any grade or type of gasoline, is, if it so provides, effective with reference to a period before it was filed.

Retroactivity

4. This Act shall be deemed to have come into force on the 20th day of May, 1981.

Commence-
ment

5. The short title of this Act is *The Gasoline Tax Amendment Act, 1981*.

Short title

BILL 73

1981

(Chapter 12)

**An Act to amend
The Motor Vehicle Fuel Tax Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Motor Vehicle Fuel Tax Act*, being chapter 282 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 14, section 1, 1972, chapter 147, section 1 and 1979, chapter 25, section 1, is further amended by adding thereto the following clause:

(ha) "taxable price per litre" of fuel means the price per litre from time to time prescribed by the Minister as the taxable price per litre of fuel for such period of time as the Minister may prescribe, and in determining the taxable price per litre of fuel, the Minister shall use the median price obtained by him from such periodic sampling as he considers appropriate of the retail prices (excluding the tax imposed by this Act) of fuel in such part or parts of Ontario as he shall direct a sample to be taken, provided that no change in the taxable price per litre of fuel from time to time in effect shall come into force until at least two days after the filing of a regulation prescribing a different taxable price per litre of fuel.

2. Section 2 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 18, section 1 and amended by 1978, chapter 78, section 1, is further amended by adding thereto the following subsection:

(1a) No person who is a registrant shall, until he has collected tax thereon at the rate provided for in this Act, supply or deliver fuel,

(a) into the tank, other than the fuel tank, of any motor vehicle used for the carriage or transportation of the

fuel in bulk and operated by or on behalf of a person who is not a registrant; or

- (b) into a storage tank controlled or owned by a person who is not a registrant and who the registrant has reasonable grounds to suspect is acquiring the fuel for resale in any manner.

s. 3 (1, 2),
re-enacted

3. Subsections 1 and 2 of section 3 of the said Act, as re-enacted by the Statutes of Ontario, 1979, chapter 25, section 2, are repealed and the following substituted therefor:

Tax

(1) Every purchaser shall pay to the Treasurer a tax at the rate of 27 per cent of the taxable price per litre on each litre of fuel received or used in Ontario by him to generate power in a motor vehicle other than railway equipment, and shall, on each litre of fuel received or used in Ontario by him to propel railway equipment on rails where such equipment is operated in connection with and as part of a public transportation system, pay to the Treasurer a tax at the rate of 8.37 per cent of the taxable price per litre of such fuel, and until a taxable price per litre of fuel is prescribed in accordance with this Act, every purchaser shall pay to the Treasurer a tax at the rate of 7 cents per litre on all fuel received or used in Ontario by him to generate power in a motor vehicle other than railway equipment and shall pay a tax at the rate of 2.2 cents per litre on all fuel received or used in Ontario by him to propel railway equipment on rails where such equipment is operated in connection with and as part of a public transportation system.

Idem

(2) Every registrant shall pay to the Treasurer a tax at the rate of 27 per cent of the taxable price per litre on each litre of fuel used by him to generate power in a motor vehicle other than railway equipment, and shall, on each litre of fuel used by him to propel railway equipment on rails where such equipment is operated in connection with and as part of a public transportation system, pay to the Treasurer a tax at the rate of 8.37 per cent of the taxable price per litre of such fuel, and until a taxable price per litre of fuel is prescribed in accordance with this Act, every registrant shall pay to the Treasurer a tax at the rate of 7 cents per litre on all fuel used by him to generate power in a motor vehicle other than railway equipment and shall pay a tax at the rate of 2.2 cents per litre on all fuel used by him to propel railway equipment on rails where such equipment is operated in connection with and as part of a public transportation system.

Idem

(2a) The tax imposed by this Act shall not be increased or reduced by reason of the fact that the price or consideration paid or given by a purchaser or registrant for fuel is different from the taxable price per litre of that fuel.

4. Subsection 1 of section 5 of the said Act, as amended by the Statutes of Ontario, 1977, chapter 18, section 5, is further amended, s. 5 (1), amended

(a) by striking out "and" at the end of clause *b*; and

(b) by adding thereto the following clauses:

(d) the quantity of fuel sold to the purchaser; and

(e) the date of sale.

5. Subsection 3 of section 21 of the said Act, as enacted by the Statutes of Ontario, 1977, chapter 18, section 9, is repealed and the following substituted therefor: s. 21 (3), re-enacted

(3) The Minister may make regulations,

Idem

(a) prescribing any form that is required by this Act or the regulations or that, in his opinion, will assist in the administration of this Act, and prescribing how and by whom any form shall be completed and what information it shall contain;

(b) prescribing the taxable price per litre of fuel to be in effect from time to time and the period of time for which such price shall be in effect;

(c) fixing to the nearest tenth of a cent the tax per litre of fuel to be paid under this Act as a result of the prescribing from time to time of a taxable price per litre in accordance with clause *b*.

- 6.—(1) This Act, except sections 1, 3, 4 and 5, comes into force on the day it receives Royal Assent. Commencement

(2) Sections 1, 3, 4 and 5 shall be deemed to have come into force on the 20th day of May, 1981. Idem

7. The short title of this Act is *The Motor Vehicle Fuel Tax Amendment Act, 1981*. Short title

BILL 77 1981
(Chapter 13)

An Act to amend The Income Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 3 of *The Income Tax Act*, being chapter 217 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1971 (2nd Session), chapter 1, section 3, 1977, chapter 6, section 1 and 1980, chapter 25, section 1, is further amended,
 - (a) by striking out "and" at the end of clause *h*; and
 - (b) by adding thereto the following clauses:
 - (j) 46 per cent in respect of the 1981 taxation year; and
 - (k) 48 per cent in respect of the 1982 taxation year.
2. Section 6a of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 12, section 2 and amended by 1977, chapter 6, section 3, is repealed and the following substituted therefor:

6a.—(1) Where the taxable income of an individual for a taxation year does not exceed the amount prescribed for the purpose of this subsection for a particular taxation year, no tax is payable under this Act by the individual for the taxation year. No tax payable

(2) Where the taxable income of an individual for a taxation year exceeds the amount prescribed for the purpose of subsection 1 for a particular taxation year, but does not exceed the amount prescribed for the purpose of this subsection for that taxation year, the tax payable under this Act (after the deduction authorized by subsection 6 of section 3 and before any deduction authorized by subsection 2 or 4a of section 6b) may be reduced by an amount equal to one-half of the amount by which the amount prescribed for the purpose of this subsection exceeds the individual's taxable income for the taxation year. Tax reduction

Amount
prescribed
for 1981
taxation
year

(3) For the purpose of this section, the amount prescribed for the purpose of subsection 1 for the 1981 taxation year is \$1,874 and the amount prescribed for the purpose of subsection 2 for the 1981 taxation year is \$2,058.

s. 6b (1) (a),
re-enacted

3.—(1) Clause *a* of subsection 1 of section 6b of the said Act, as re-enacted by the Statutes of Ontario, 1980, chapter 25, section 2, is repealed and the following substituted therefor:

(a) "housing unit" includes,

(i) subject to subclauses ii and iii, any premises that an individual ordinarily occupies and inhabits as his residence in the taxation year,

but does not include,

(ii) premises that are part of a chronic care facility or other similar institution that is prescribed, or that are part of any charitable institution, home for special care, home for the aged, public nursing home or private nursing home, or

(iii) premises, except any students' residence that is prescribed under subsection 3, during such time in a taxation year as,

R.S.O. 1970,
cc. 370, 256

A. such premises are exempt from the payment of taxes levied under *The Provincial Land Tax Act*, *The Local Roads Boards Act* or taxes for municipal and school purposes levied in respect of real property in Ontario that is assessed as residential or farm property, or

B. the owner does not pay a grant equal to the full amount of the taxes described in sub-subclause A that would, if such premises were not exempt, be payable or a grant equal to an amount prescribed by the Minister in respect of such premises or class of premises,

except when such excluded premises are occupied and inhabited by an individual of a class prescribed for the purpose of this clause.

s. 6b (1) (f),
amended

(2) Clause *f* of subsection 1 of the said section 6b, as re-enacted by the Statutes of Ontario, 1973, chapter 21, section 2 and amended by 1973, chapter 153, section 2, 1975, chapter 16, section 3 and 1980, chapter 25, section 2, is further amended,

- (a) by striking out that portion of the said clause immediately preceding subclause i and inserting in lieu thereof,

“principal taxpayer” means an individual who, on the 31st day of December in the taxation year, occupies and inhabits a principal residence except when that individual, on the 31st day of December in the taxation year, occupies and inhabits a principal residence with his spouse, in which case, “principal taxpayer” means that spouse who has the higher taxable income for the taxation year, but “principal taxpayer” does not include any individual who died at any time in the taxation year or who, on the 31st day of December in the taxation year was,

and;

- (b) by striking out “or” at the end of subclause v, by adding “or” at the end of subclause vi and by adding thereto the following subclause:

- (vii) an individual who has been lawfully admitted to Canada on a temporary basis for the specific purpose of attending any university, college or other educational institution.

- (3) Subsection 2 of the said section 6b, as re-enacted by the Statutes of Ontario, 1973, chapter 153, section 2 and amended by 1974, chapter 91, section 2, 1975, chapter 16, section 3, 1976, chapter 81, section 2 and 1980, chapter 25, section 2, is repealed and the following substituted therefor:

s. 6b (2),
re-enacted

(2) Every individual resident in Ontario on the 31st day of December in the taxation year may deduct from the tax otherwise payable by him, under this Act the amount not in excess of \$500 by which the aggregate of the tax credits that are described in clauses a and b and to which he is entitled exceeds 2 per cent of his taxable income for the taxation year,

- (a) where the individual is a principal taxpayer, a tax credit equal to the sum of,
- (i) the lesser of his occupancy cost for the taxation year or \$180, and
 - (ii) an amount equal to 10 per cent of his occupancy cost for the taxation year; and

(b) a tax credit of an amount equal to 1 per cent of the total of those deductions that are authorized by section 109 of the Federal Act and that have been claimed by the individual entitled to claim them in his return filed in accordance with the Federal Act, but the tax credit described in this clause may not be claimed by an individual,

(i) who died during the taxation year or who, on the 31st day of December in the taxation year, is an individual described in subclause i, iii, iv, v or vii of clause f of subsection 1,

(ii) with respect to whom any other taxpayer resident in Canada on the 31st day of December in the taxation year has, in computing his taxable income under the Federal Act, claimed in his return filed in accordance with that Act a deduction authorized by paragraph a, b, d, e, f or g, of subsection 1 of section 109 of that Act for any portion of the taxation year, or

(iii) who, on the 31st day of December in the taxation year, is an individual entitled to receive in respect of the taxation year a grant under section 7 of *The Ontario Pensioners Property Tax Assistance Act, 1980*.

1980, c. 18

s. 6b (4),
repealed

(4) Subsection 4 of the said section 6b, as re-enacted by the Statutes of Ontario, 1972, chapter 146, section 2 and amended by 1974, chapter 91, section 2, is repealed.

s. 6b (9),
amended

(5) Subsection 9 of the said section 6b, as re-enacted by the Statutes of Ontario, 1980, chapter 25, section 2, is amended by striking out "last day of" in the third line and inserting in lieu thereof "31st day of December in".

s. 6b,
amended

(6) The said section 6b, as re-enacted by the Statutes of Ontario, 1972, chapter 146, section 2 and amended by 1973, chapter 21, section 2, 1973, chapter 153, section 2, 1974, chapter 91, section 2, 1975, chapter 16, section 3, 1976, chapter 12, section 3, 1976, chapter 81, section 2, 1978, chapter 11, section 2 and 1980, chapter 25, section 2, is further amended by adding thereto the following subsections:

Separation
in year

(9a) Notwithstanding clause d of subsection 1 or subclause vi of clause f of subsection 1, where, in any taxation year, an individual separates from a spouse who, on the 31st day of December in such taxation year, is an eligible person, as defined by *The Ontario Pensioners Property Tax Assistance Act, 1980*,

1980, c. 18

pursuant to a separation agreement as defined in that Act, such individual shall be deemed to be a principal taxpayer but his occupancy cost for such taxation year shall include only that occupancy cost that is attributable to the portion of the taxation year subsequent to such separation.

(9b) Notwithstanding subclause vi of clause *f* of subsection 1, where, in the taxation year, an individual marries a person who, on the 31st day of December in such taxation year, is an eligible person, as defined by *The Ontario Pensioners Property Tax Assistance Act, 1980*, such individual shall be deemed to be a principal taxpayer, but his occupancy cost for such taxation year shall include only that occupancy cost that is attributable to the portion of the taxation year prior to such marriage and that is not included in the occupancy cost of the spouse who is an eligible person. Marriage
in year

4. Subsection 2 of section 20 of the said Act is amended by striking out "or" at the end of clause *b* and by adding thereto the following clauses: s. 20 (2),
amended

(d) any deduction under subsection 2 or 4a of section 6b; or

(e) the application of any amount pursuant to subsection 5 of section 6b.

- 5.—(1) This Act, except sections 1, 2 and 3, comes into force on the day it receives Royal Assent. Commence-
ment

(2) Sections 1, 2 and 3 shall be deemed to have come into force on the 1st day of January, 1981. Idem

6. The short title of this Act is *The Income Tax Amendment Act, 1981*. Short title

BILL 78

1981

(Chapter 14)

**An Act to amend The Ontario Pensioners
Property Tax Assistance Act, 1980**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Clause *e* of section 1 of *The Ontario Pensioners Property Tax Assistance Act, 1980*, being chapter 18, is repealed and the following substituted therefor: s. 1 (e),
re-enacted

(e) “housing unit” includes,

- (i) subject to subclauses ii and iii, any premises that an individual ordinarily occupies and inhabits as his residence in the year,

but does not include,

- (ii) premises that are part of a chronic care facility or other similar institution that is prescribed, or that are part of any charitable institution, home for special care, home for the aged, public nursing home, or private nursing home, or

- (iii) premises, during such time in the year as,

A. such premises are exempt from the payment of taxes levied under *The Provincial Land Tax Act*, *The Local Roads Boards Act* or taxes for municipal and school purposes levied in respect of real property in Ontario that is assessed as residential or farm property, or

R.S.O. 1970,
cc. 370, 256

- B. the owner does not pay a grant equal to the full amount of the taxes described in sub-subclause A that would, if such

premises were not exempt, be payable or a grant equal to an amount prescribed by the Minister in respect of such premises or class of premises.

s. 1 (*h*) (ii) B,
re-enacted

- (2) Sub-subclause B of subclause ii of clause *h* of the said section 1 is repealed and the following substituted therefor:

B. rent paid or agreed to be paid in the year to which the application relates for occupation of a principal residence of the applicant where such rent is paid or agreed to be paid by or on behalf of the applicant or his spouse and is calculated to exclude all payments on account of meals or board and all payments of rent for occupation prior to the 1st day of January, 1980.

s. 3,
amended

2. Section 3 of the said Act is amended by adding thereto the following subsection:

Marriage
in year

(4) Notwithstanding subsection 1 or 3, where a husband and wife who are both eligible persons make an application for a grant as a family unit in respect of the year in which they marry, a further application for a grant may be made by one of the spouses in respect of his occupancy cost in that year prior to marriage and, provided that such occupancy cost is not included in the application made for that year by the family unit, the Minister may pay such grant under section 2.

s. 7,
amended

3. Section 7 of the said Act is amended by adding at the commencement thereof "Subject to section 8".

s. 8,
re-enacted

4. Section 8 of the said Act is repealed and the following substituted therefor:

Death
in year

8.—(1) An eligible person who dies is, with respect to the year of his death, entitled to,

- (a) that portion of a grant paid to him under subsection 3 of section 2 without an application, by a cheque that is dated on, or prior to, the date of his death; and
- (b) a grant paid under section 7 by a cheque that is dated on, or prior to, the date of his death,

and, if he is alive on the earlier of the dates shown on an application completed by him for a grant under section 2 or the date upon which such application is received by the Minister, he is entitled to the balance of the grant payable under section 2 in respect of the year in which he died.

(2) Where, in any year, as a result of subsection 1, an eligible person is entitled to only a portion of a grant under section 2, there shall be deducted from any grant to be paid to the surviving spouse of such eligible person for that year, the portion of the grant that such eligible person was paid.

(3) An eligible person is, with respect to the year in which he ceases to be ordinarily resident in Ontario, entitled to,

(a) that portion of a grant paid to him under subsection 3 of section 2 without an application, by a cheque that is dated on or prior to the date upon which he ceases to be ordinarily resident in Ontario; and

(b) a grant paid under section 7 by a cheque that is dated on, or prior to, the date upon which he ceases to be ordinarily resident in Ontario,

and, if he is ordinarily resident in Ontario on the date upon which his completed application for a grant under section 2 is received by the Minister, he is entitled to the balance of the grant payable under section 2 in respect of the year in which he ceases to be ordinarily resident in Ontario.

5.—(1) Section 9 of the said Act is amended by adding thereto the following subsection: s. 9.
amended

(2a) Where the Minister has determined that a person is not entitled to a grant or any amount referred to in subsection 1 of section 14, he shall, when requesting repayment thereof, inform the person of the reason for his decision and of his right to object in accordance with this section. Reason for
request for
repayment

(2) Subsection 3 of the said section 9 is amended by striking out "an applicant" in the first line and inserting in lieu thereof "a person". s. 9 (3),
amended

6. This Act shall be deemed to have come into force on the 20th day of May, 1981. Commence-
ment

7. The short title of this Act is *The Ontario Pensioners Property Tax Assistance Amendment Act, 1981*. Short title

BILL 85

1981

(Chapter 15)

An Act to amend The Planning Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 29 of *The Planning Act*, being chapter 349 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1971, chapter 2, section 1, 1972, chapter 118, section 3, 1973, chapter 168, section 6, 1974, chapter 53, section 4, 1976, chapter 38, section 2 and 1978, chapter 93, section 2, is further amended by adding thereto the following subsections:

(5g) No order made under *The Partition Act* for the partition of land shall have any effect in law unless, s. 29,
amended
Order made
under
R.S.O. 1970,
c. 338

(a) irrespective of the order, each part of the land described in the order could be conveyed without contravening this section; or

(b) a consent is given to the order.

(5h) This section does not apply to an agreement entered into under section 2 of *The Drainage Act, 1975*. Exception
1975, c. 79

2. Section 33a of the said Act, as enacted by the Statutes of Ontario, 1978, chapter 93, section 5, is repealed. s. 33a,
repealed

- 3.—(1) Subsection 3 of section 42 of the said Act is repealed and the following substituted therefor: s. 42 (3),
re-enacted

(3) In addition to its powers under subsections 1 and 2 and subject to section 30, the committee, upon the application of, Power of
committee
to give
consent

(a) the owner of any land or any person authorized in writing by such owner; or

(b) any person interested in any part of land that is affected by an order made under *The Partition Act*, as mentioned in subsection 5g of section 29, R.S.O. 1970,
c. 338

may, notwithstanding any other Act, give a consent as mentioned in section 29, provided that the committee is satisfied that a plan of subdivision under section 33 of the land described in the application is not necessary for the proper and orderly development of the municipality.

s. 42 (6),
amended

(2) Subsection 6 of the said section 42, as amended by the Statutes of Ontario, 1971, chapter 2, section 5, is further amended by striking out "\$50" in the fourth line as inserted by the 1971 amendment and inserting in lieu thereof "\$100".

s. 42 (16),
amended

(3) Subsection 16 of the said section 42 is amended by adding at the end thereof "and there is no right to file a petition under section 94 of *The Ontario Municipal Board Act* in respect of the matter".

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. The short title of this Act is *The Planning Amendment Act, 1981*.

BILL 86

1981

(Chapter 16)

An Act to amend The Power Corporation Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Section 1 of *The Power Corporation Act*, being chapter 354 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1973, chapter 57, section 3, is further amended by adding thereto the following clauses: s. 1,
amended

(cc) “energy conservation program” means an energy conservation program under sections 58a and 58b;

(cd) “heat energy” means energy that is conveyed in the medium of steam, hot water or hot air and that is produced for sale.

- (2) Clause *f* of the said section 1 is repealed and the following substituted therefor: s. 1 (f),
re-enacted

(f) “power” means electrical power and includes electrical energy.

2. Section 17 of the said Act is amended by adding thereto the following clause: s. 17,
amended

(ba) such sums as are appropriated by the Corporation for sinking fund purposes out of the revenues received from the sale of heat energy.

3. The said Act is amended by adding thereto the following sections: ss. 58a, 58b,
enacted

58a.—(1) The purposes and business of the Corporation include the provision of energy conservation programs. Energy
conservation
program

(2) The purpose of an energy conservation program is to encourage the safe and efficient use and the conservation of all forms of energy. Purpose of
program

(3) An energy conservation program may provide information, advice and inspection services in respect of the use of all Content of
program

forms of energy and may include, but is not limited to, the following:

1. The safe use of electrical energy.
2. The improvement of a system for the use of electrical energy in a building.
3. The conversion of a space heating system to one based in whole or in part on the use of electrical energy.
4. The improvement of the capacity of a building to retain heat.

Additional services

(4) An energy conservation program may provide any other service related to the purposes of the program that is considered necessary or advisable from time to time.

Loans for energy conservation

58b.—(1) As part of an energy conservation program, the Corporation may loan such money as the Corporation determines in order to assist in the doing of work or the acquisition and installation of equipment and material in accordance with the energy conservation program.

Terms and conditions

(2) A loan under this section may be made upon such terms and conditions, including terms and conditions in respect of certification of work, security, repayment, costs of recovery and interest, as the Corporation determines.

Conversion of heating system

(3) The Corporation shall not loan money under this section to assist in the conversion of a space heating system to a system other than one based in whole or in part on the use of electrical energy.

ss. 58c-58f, enacted

4. The said Act is further amended by adding thereto the following sections:

Heat energy

58c. The purposes and business of the Corporation include the production, sale, supply and delivery of heat energy.

Production, sale, supply and delivery of heat energy

58d. The Corporation, with the approval of the Lieutenant Governor in Council, may,

- (a) use any of its works to produce heat energy, by the use of any fuel, whether alone or in addition to or in lieu of the use of the works to produce power;
- (b) acquire, construct, maintain and operate equipment, facilities and works for the production, supply and delivery of heat energy; and

- (c) sell, supply and deliver heat energy to a municipal corporation, municipal commission or any other person.

58e. The Corporation may acquire lands by purchase, lease, expropriation or other means for the purpose of carrying out an act approved by the Lieutenant Governor in Council under section 58d. Acquisition of lands re heat energy

58f. Section 73 applies with necessary modifications in respect of the sale, supply and delivery of heat energy and, for the purpose, heat energy shall be deemed to be power. Application of s. 73

5. Subsection 4 of section 59 of the said Act is amended by inserting after "power" in the fifth line "or of any source of energy". s. 59 (4), amended

6. The said Act is further amended by adding thereto the following section: s. 74a, enacted

74a.—(1) Where moneys are owing to the Corporation in respect of a loan made to the owner of real property as part of an energy conservation program, the Corporation may register in the proper land registry office a certificate setting out, Registration of certificate as to unpaid energy conservation loan

- (a) the amount owing in respect of the loan, including the rate of interest thereon;

- (b) the name of the owner of the real property;

- (c) a description of the real property sufficient for registration; and

- (d) that the certificate is registered under this section.

(2) Upon the registration of a certificate under subsection 1, the amount owing and interest at the rate set out in the certificate are a lien and charge upon the real property. Lien

(3) Where a certificate has been registered under subsection 1 and the moneys owing to the Corporation, as set out in the certificate, are not paid in accordance with the terms and conditions of the loan, the Corporation may transmit to the clerk of the municipality in which the real property is situate a statement setting out the information contained in the certificate and the registration number of the certificate. Statement to clerk of municipality

(4) Upon receipt of the statement, the clerk of the municipality shall enter the amount in the collector's roll and the amount shall be collected by the same procedure as municipal taxes on land, and upon collection the amount and the interest collected thereon shall be paid over to the Corporation. Collection

Sale of reality	(5) The duty and power under subsection 4 to collect the amount entered in the collector's roll includes, without limiting any other power, the power to sell the real property and to collect interest and costs by the same procedure as for arrears of taxes.
Certificate as to payment	(6) Upon repayment of the moneys owing to the Corporation, including interest, as set out in the certificate, the Corporation upon request shall transmit to the owner of the real property a certificate sufficient for registration showing the repayment.
Discharge of lien	(7) The lien is discharged by the registration of the certificate of the Corporation showing the repayment of the moneys owing to the Corporation.
Termination of supply of power	(8) The Corporation shall not terminate the supply of power to a customer for the purpose or as a means of enforcing repayment of a loan made as part of an energy conservation program.
s. 76, amended	7. Section 76 of the said Act is amended by adding thereto the following clause: (aa) the cost of an energy conservation program.
s. 96a, enacted	8. The said Act is further amended by adding thereto the following section: 96a. The cost of an energy conservation program to a municipal corporation or municipal commission shall be deemed to be a current operating expense of the municipal corporation or municipal commission.
Energy conservation program is current operating cost	

COMPLEMENTARY AMENDMENT

R.S.O. 1970, c. 390, s. 18a, enacted	9. <i>The Public Utilities Act</i> , being chapter 390 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section: 18a.—(1) In this section, “energy conservation program” has the same meaning as in <i>The Power Corporation Act</i> . (2) The corporation of a municipality, as principal or as agent for Ontario Hydro, may provide, arrange for or participate in the provision of an energy conservation program in the municipality. (3) Subsection 2 does not apply to authorize the corporation of a municipality to loan money out of its own funds as part of an energy conservation program.
Interpre- tation R.S.O. 1970, c. 354 Energy conservation program	
Limitation	
Commence- ment	10. This Act comes into force on the day it receives Royal Assent.

11. The short title of this Act is *The Power Corporation Amendment Act, 1981*. Short title

BILL 92

1981

(Chapter 17)

An Act to amend The Registry Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 4 of section 54 of *The Registry Act*, being chapter 409 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1972, chapter 133, section 22 and amended by 1979, chapter 94, section 47, is further amended by inserting after “shall” in the fourth line “within a reasonable time”. s. 54 (4),
amended
- (2) The said section 54 is amended by adding thereto the following subsections: s. 54,
amended
 - (6) Where the land registrar is satisfied that a registered instrument purporting to discharge a mortgage validly discharges the land described in the mortgage, or that part of the land described in the discharging instrument, from any claim arising under the mortgage or under any other instrument relating exclusively thereto, the land registrar shall delete from the abstract index the entry of the mortgage and any other instrument relating exclusively thereto. Deletion of
entries from
abstract index
 - (7) Notwithstanding subsection 6, the land registrar shall not delete the entry of an instrument in the abstract index for a lot or part of a lot unless he is satisfied that all the lot or part is free from claims under the instrument. Exception
 - (8) Where the land registrar has deleted from the abstract index the entry of a mortgage under subsection 6, the land described in the mortgage, or that part of the land described in the discharging instrument, as the case may be, is not affected by any claim under the mortgage or under any other instrument relating exclusively thereto. Effect of
deletion
 - (9) Where it appears from the abstract index that an instrument purporting to be a valid discharge of a mortgage has been Discharge
of mortgage
registered
for ten
years

registered for ten or more years, and the entry of the mortgage or any other instrument relating exclusively thereto has not been deleted from the abstract index, the land described in the mortgage or instrument, or that part of the land described in the discharging instrument, as the case may be, is not affected by any claim under the mortgage or instrument or under any instrument relating exclusively thereto.

Application of
subss. 6-9
to instruments
under s. 26

(10) Subsections 6 to 9 apply with necessary modifications to every instrument purporting to discharge an instrument under section 26 and to an instrument under that section.

s. 65 (1),
repealed

2. Subsection 1 of section 65 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 133, section 26 and amended by 1979, chapter 94, section 24, is repealed.

s. 76 (2),
amended

3. Subsection 2 of section 76 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 133, section 29 and amended by 1979, chapter 94, section 27, is further amended by inserting after "recording" in the second line "or deleting".

Part III,
re-enacted

4. Part III of the said Act, as amended by the Statutes of Ontario, 1972, chapter 133, section 40 and 1979, chapter 94, sections 45 and 46, is repealed and the following substituted therefor:

PART III

INVESTIGATION OF TITLES

Interpre-
tation

110.—(1) In this Part,

- (a) "claim" means a right, title, interest, claim, or demand of any kind or nature whatsoever affecting land set forth in, based upon or arising out of a registered instrument, and, without limiting the generality of the foregoing, includes a mortgage, lien, easement, agreement, contract, option, charge, annuity, lease, dower right, and restriction as to the use of land or other encumbrance affecting land;
- (b) "notice of claim" means a notice of claim registered under subsection 2 of section 112 and includes a notice registered under a predecessor of this Part or under *The Investigation of Titles Act*, being chapter 193 of the Revised Statutes of Ontario, 1960, or a predecessor thereof;
- (c) "notice period" means the period ending on the day forty years after the day of the registration of an instrument or a notice of claim, as the case may be;

(d) "owner" means a person, other than a lessee or a mortgagee, entitled to a freehold or other estate or interest in land at law or in equity, in possession, in futurity or in expectancy;

(e) "title search period" means the period of forty years described in subsection 1 of section 111.

(2) A claim referred to in clause *a* or *b* of subsection 5 of section 112 is not confined to a claim under a registered instrument. Claims under unregistered instruments

111.—(1) A person dealing with land shall not be required to show that he is lawfully entitled to the land as owner thereof through a good and sufficient chain of title during a period greater than the forty years immediately preceding the day of such dealing, except in respect of a claim referred to in subsection 5 of section 112. Title search period

(2) Where there has been no conveyance, other than a mortgage, of the freehold estate registered within the title search period, the chain of title commences with the conveyance of the freehold estate, other than a mortgage, most recently registered before the commencement of the title search period. Deemed commencement of chain of title

(3) A chain of title does not depend upon and is not affected by any instrument registered before the commencement of the title search period except, Instruments registered prior to title search period not effective

(a) an instrument that, under subsection 2, commences the chain of title;

(b) an instrument in respect of a claim for which a valid and subsisting notice of claim was registered during the title search period; and

(c) an instrument in relation to any claim referred to in subsection 5 of section 112.

112.—(1) A claim that is still in existence on the last day of the notice period expires at the end of that day unless a notice of claim has been registered. Expiry of claims

(2) A person having a claim that is not barred by this Part, or a person on his behalf, may register a notice of claim in the prescribed form, Notice of claim

(a) at any time within the notice period; or

(b) at any time after the expiration of the notice period but before the registration of any conflicting claim.

Renewal	(3) A notice of claim may be renewed from time to time by the registration of a notice of claim in accordance with subsection 2.
Effect of notice of claim	(4) Subject to subsection 7, when a notice of claim has been registered, the claim affects the land for the notice period of the notice of claim.
Exceptions	<p>(5) This Part does not apply to,</p> <ul style="list-style-type: none"> (a) a claim, <ul style="list-style-type: none"> (i) of the Crown reserved by letters patent, (ii) of the Crown in unpatented land or in land for which letters patent have been issued, but which has reverted to the Crown by forfeiture or cancellation of letters patent, or in land that has otherwise reverted to the Crown, (iii) of the Crown or a municipality in a public highway or lane, (iv) of a person to an unregistered right of way or other easement or right that the person is openly enjoying and using; (b) a claim arising under any Act; or (c) a claim of a corporation authorized to construct or operate a railway, including a street railway or incline railway, in respect of lands acquired by the corporation after the 1st day of July, 1930, and, <ul style="list-style-type: none"> (i) owned or used for the purposes of a right-of-way for railway lines, or (ii) abutting such right-of-way.
Freehold estates	(6) Subsection 1 does not apply to a claim to a freehold estate in land or an equity of redemption in land by a person continuously shown by the abstract index for the land as being so entitled for more than forty years as long as the person is so shown.
Claims not validated	(7) The registration of a notice of claim does not validate or extend a claim that is invalid or that has expired.
Dower	(8) For the purposes of subsection 1, an instrument by which a husband conveyed land before the 31st day of March, 1978 shall be deemed to be a notice of claim with respect to his wife's dower right.

(9) Subsection 8 is repealed on the 31st day of March, 1988. Repeal

113. Where there is a conflict between any provision of this Part and any provision of Part I or Part II of this Act or of any provision of any other Act or any rule of law, the provision of this Part prevails. Conflict

5. The said Act is amended by adding thereto the following Part: Part IV
(ss. 114-116),
enacted

PART IV

COMPENSATION

114.—(1) A person wrongfully deprived of land registered under this Act by reason of, Entitle-
ment to
compen-
sation

(a) the deletion of an entry under section 54 or 65; or

(b) any error or omission in recording a registered instrument,

is entitled to compensation out of The Land Titles Assurance Fund formed under section 61 of *The Land Titles Act*.

R.S.O. 1970,
c. 234

(2) A person is not entitled to any compensation out of The Land Titles Assurance Fund in respect of land registered under this Act unless, Qualifi-
cations

(a) the person has been wrongfully deprived of land for a reason set out in subsection 1;

(b) the person is unable to recover what is just by way of compensation or damages from any person whose act caused the loss or who was privy to any such act; and

(c) the claim for compensation is made within six years from the time the person discovered or ought reasonably to have discovered the deletion, error or omission.

(3) Notwithstanding clause c of subsection 2, a person under the disability of infancy, mental incompetency or unsoundness of mind may make a claim for compensation under this Part at any time within six years from the day on which the disability ceased but not more than twenty years after the deletion, error or omission occurred. Persons
under
disabilities

(4) Section 29, subsections 4 to 11 of section 64, section 65 and subsection 5 of section 181 of *The Land Titles Act* apply, with necessary modifications, to claims for compensation under this Part. Application of
R.S.O. 1970,
c. 234, ss. 29,
64 (4-11), 65,
181 (5)

Interests
of innocent
persons

115. If, while a deletion or omission of any entry relating to any mortgage or other instrument securing the payment of money is subsisting, an innocent person has acquired an estate, right or interest in the land mentioned in the mortgage or other instrument, and the estate, right or interest of the innocent person is set forth in, is based upon or arises out of an instrument registered before the deletion or omission is corrected,

- (a) the estate, right or interest of the innocent person in the land is not affected by any claim under the mortgage or other instrument; and
- (b) the person whose interest under the mortgage or other instrument is extinguished under clause *a* is entitled to compensation under this Part.

Protection
from
personal
liability

116.—(1) No action or other proceeding for damages shall be instituted against any officer or employee of the Ministry of Consumer and Commercial Relations or anyone acting under his authority for any act done in good faith in the execution or intended execution of his duty under this Act, or for any alleged neglect or default in the execution in good faith of his duty under this Act.

Crown
liability
R.S.O. 1970,
c. 365

(2) Subsection 1 does not, by reason of subsections 2 and 4 of section 5 of *The Proceedings Against the Crown Act*, relieve the Crown of liability in respect of a tort committed by a person mentioned in subsection 1 to which it would otherwise be subject, and the Crown is liable under that Act for any such tort in a like manner as if subsection 1 had not been enacted.

Application

- 6.** Part III of *The Registry Act*, as re-enacted by section 4 of this Act, applies to every claim and notice of claim whether registered before or after the coming into force of the said section 4.

Commence-
ment

- 7.** This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

- 8.** The short title of this Act is *The Registry Amendment Act, 1981*.

BILL 116 1981

(Chapter 18)

An Act to amend The Milk Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Milk Act*, being chapter 273 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

s. 2,
re-enacted

 2. The purpose and intent of this Act is,

Purpose
of Act

 - (a) to stimulate, increase and improve the producing of milk within Ontario;
 - (b) to provide for the control and regulation in any or all respects of the marketing within Ontario of milk, cream or cheese, or any combination thereof, including the prohibition of such marketing in whole or in part; and
 - (c) to provide for the control and regulation in any or all respects of the quality of milk, milk products and fluid milk products within Ontario.
2. Subsection 1 of section 8 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 155, section 1 and 1972, chapter 162, section 3, is further amended by adding thereto the following paragraph:

s. 8,
amended

 - 20a. authorizing a marketing board,
 - (i) to impose and collect levies from producers and to pay such levies to the Ontario Dairy Herd Improvement Corporation for the purpose of stimulating, increasing and improving the producing of milk, and
 - (ii) to fix the amount of such levies up to but not exceeding 3 cents per hectolitre of milk.

s. 18
amended

3. Section 18 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 162, section 7 and 1974, chapter 62, section 1, is further amended by adding thereto the following subsection:

Adoption
by
reference

(2) Any regulation made under this section may adopt by reference, in whole or in part, with such changes as the Lieutenant Governor in Council considers necessary, any grade, standard or grade name established under the *Canada Agricultural Products Standards Act*, as amended or re-enacted from time to time, and may require compliance with any such grade, standard or grade name so adopted, including any such changes.

R.S.C. 1970,
c. A-8

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. The short title of this Act is *The Milk Amendment Act, 1981*.

BILL 67**1981**

(Chapter 19)

An Act to establish the Ministry of Municipal Affairs and Housing

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Deputy Minister" means the Deputy Minister of Municipal Affairs and Housing;
- (b) "Minister" means the Minister of Municipal Affairs and Housing;
- (c) "Ministry" means the Ministry of Municipal Affairs and Housing;
- (d) "municipality" means the corporation of a metropolitan, regional or district municipality, a county, city, town, village, township or improvement district and includes a local board thereof, as defined in clause *d* of section 1 of *The Municipal Affairs Act*, and a board, commission, conservation authority or other local authority exercising any power with respect to municipal affairs or purposes, including school purposes, in territory without municipal organization.

R.S.O. 1970,
c. 118

2. There shall be a ministry of the public service to be known as the Ministry of Municipal Affairs and Housing.

Ministry
established

3. The Minister shall preside over and have charge of the Ministry and has power to act for and on behalf of the Ministry.

Minister to
have charge

4.—(1) The Minister is responsible for the policies and programs of the Government of Ontario in relation to,

Functions
of
Minister

- (a) municipal affairs, including the co-ordination of programs of financial assistance to municipalities;

(b) community planning, community development, maintenance and improvement of the built environment and land development; and

(c) housing and related matters.

Implement-
ation of
policies and
programs

(2) The Minister may take such measures as he considers appropriate to implement any policy or program referred to in subsection 1, including entering into any agreements for such purpose with any municipality or with any other person.

Power of
municipalities
to enter into
agreements

(3) A municipality may enter into and perform agreements with the Minister under subsection 2.

Adminis-
tration
of Acts

(4) The Minister is responsible for the administration of this Act, the Acts set out in the Schedule and the Acts that are assigned to him by the Legislature or by the Lieutenant Governor in Council.

Advances,
grants, etc.

(5) The Minister, out of moneys appropriated therefor by the Legislature,

(a) may make any advances, grants and loans and provide any other financial assistance that may be made or provided by the Lieutenant Governor in Council under section 2 of *The Housing Development Act*; or

R.S.O. 1970,
c. 213

(b) may make advances, grants and loans and provide other financial assistance to assist in the implementation of the policies and programs referred to in clauses b and c of subsection 1.

Exercise of
Ministry
powers

(6) The Minister may exercise the powers conferred on the Ministry in any general or special Act for which the Minister is responsible.

Annual
report

(7) The Minister after the close of each year shall submit to the Lieutenant Governor in Council an annual report upon the affairs of the Ministry and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Deputy
Minister

5.—(1) The Lieutenant Governor in Council shall appoint a Deputy Minister of Municipal Affairs and Housing who shall be the deputy head of the Ministry.

Idem

(2) Under the direction of the Minister, the Deputy Minister shall perform such duties as the Minister may assign or delegate to him.

Delegation
of powers
and duties

6.—(1) Where, under this or any other Act, a power or duty is granted to or vested in the Minister, he may in writing delegate

that power or duty to the Deputy Minister, or to any officer or employee of the Ministry or of a Crown agency described in subsection 1 of section 8, subject to such limitations, restrictions, conditions and requirements as the Minister may set out in his delegation.

(2) Notwithstanding *The Executive Council Act*, a contract or an agreement made by a person empowered to do so under a delegation made under subsection 1 has the same effect as if made and signed by the Minister.

Contracts and agreements
R.S.O. 1970,
c. 153

7.—(1) No action or other proceeding for damages shall be instituted against the Deputy Minister, or any officer or employee of the Ministry, or anyone acting under his authority for any act done in good faith in the execution or intended execution of his duty, or for any alleged neglect or default in the execution in good faith of his duty.

Protection from personal liability

(2) Subsection 1 does not, by reason of subsections 2 and 4 of section 5 of *The Proceedings Against the Crown Act*, relieve the Crown of liability in respect of a tort committed by a person mentioned in subsection 1 to which it would otherwise be subject, and the Crown is liable under that Act for any such tort in a like manner as if subsection 1 had not been enacted.

Crown liability
R.S.O. 1970,
c. 365

8.—(1) Where, under this or any other Act, the Minister is made responsible for the administration of a Crown agency or for the administration of an Act relating to a Crown agency, the Minister may give policy direction to that agency and the agency shall follow the direction.

Control over Crown agencies

(2) Notwithstanding subsection 3 of section 6 of *The Ontario Housing Corporation Act*, where any agreement entered into by the Minister under *The Housing Development Act* provides that the rights of the Minister and Her Majesty in Right of Ontario under the agreement do not vest in the Ontario Housing Corporation, such rights and obligations remain as rights and obligations of the Minister or of Her Majesty in right of Ontario and do not vest in the Corporation.

Ontario Housing Corporation agreements
R.S.O. 1970,
cc. 317, 213

(3) The Minister may, by order, divest the Ontario Housing Corporation of all its rights under any agreement mentioned in section 6 of *The Ontario Housing Corporation Act* and, where an order is made divesting the Corporation of its rights under such an agreement, the rights of the Corporation become vested in Her Majesty in Right of Ontario and all obligations under the agreement become obligations of Her Majesty in Right of Ontario.

Idem
R.S.O. 1970,
c. 317

Facsimile
signature
authorized

9.—(1) The Minister may authorize the use of a facsimile of his signature and the Deputy Minister may authorize the use of a facsimile of his signature on any document except an affidavit or a statutory declaration.

Idem

(2) A facsimile of the signature of the Minister or the Deputy Minister affixed to a document under an authorization made under subsection 1 shall be deemed to be the signature of the Minister or the Deputy Minister, as the case may be.

Seal

10.—(1) The Lieutenant Governor in Council may authorize a seal for the Minister and prescribe its use on documents.

Idem

(2) The seal may be reproduced by engraving, lithographing, printing or any other method of mechanical reproduction and, when so produced, has the same force and effect as if manually affixed.

Advisory
committees

11. The Minister may establish advisory committees to the Minister and sub-committees thereto, appoint chairmen and members of such committees and sub-committees and fix the remuneration and expenses of the chairmen and members of committees and sub-committees and the remuneration and expenses shall be paid out of the moneys appropriated therefor by the Legislature.

References
to
Ministers
and
Ministries

12.—(1) A reference to the Minister of Intergovernmental Affairs or the Minister of Housing, as the case may be, in any Act listed in the Schedule, or in any regulation, order in council, ministerial order, act or thing made or done under any such Act, shall be deemed to be a reference to the Minister of Municipal Affairs and Housing, so long as the Minister administers such Act, and a reference therein to the Ministry of Intergovernmental Affairs or the Ministry of Housing shall be deemed to be a reference to the Ministry of Municipal Affairs and Housing.

Saving

(2) Nothing in this Act invalidates any regulation, ministerial order, act or thing made or done under any Act listed in the Schedule prior to the day this Act receives Royal Assent.

Amendments
to Schedule

13. The Lieutenant Governor in Council may, by order, amend the Schedule.

1973, c. 52,
s. 22a(1),
re-enacted

14. Subsection 1 of section 22a of *The Niagara Escarpment Planning and Development Act*, 1973, being chapter 52, as enacted by the Statutes of Ontario, 1974, chapter 52, section 3, is repealed and the following substituted therefor:

Interpre-
tation

(1) In this section and in section 23, subsections 1, 3 to 9 and 11 and 12 of section 24 and section 25, "Minister" means the Minister of Municipal Affairs and Housing.

15.—(1) Clause *b* of section 1 of *The Ministry of Inter-governmental Affairs Act, 1978*, being chapter 64, is amended by striking out “or any municipality” in the seventh line. 1978, c. 64,
s. 1 (b),
amended

(2) Clause *e* of the said section 1 is repealed. s. 1 (e),
repealed

(3) Subsection 2 of section 5 of the said Act is repealed. s. 5 (2),
repealed

(4) Subsection 3 of the said section 5 is amended by striking out “subsections 1 and 2” in the third and fourth lines and inserting in lieu thereof “subsection 1”. s. 5 (3),
amended

(5) Subsection 4 of the said section 5 is amended by striking out “the Acts set out in the Schedule” in the second line. s. 5 (4),
amended

(6) Sections 8 and 9 of the said Act are repealed. ss. 8, 9,
repealed

(7) The Schedule to the said Act is repealed. Schedule,
repealed

16. *The Ministry of Housing Act, 1973*, being chapter 100, and *The Ministry of Housing Amendment Act, 1974*, being chapter 14, are repealed. Repeals

17. This Act shall be deemed to have come into force on the 1st day of April, 1981. Commence-
ment

18. The short title of this Act is *The Ministry of Municipal Affairs and Housing Act, 1981*. Short title

SCHEDULE

The Brantford-Brant Annexation Act, 1980
 The City of Cornwall Annexation Act, 1974
 The City of Gloucester Act, 1980
 The City of Hamilton Act, 1975
 The City of Hazeldean-March Act, 1978
 The City of Nepean Act, 1978
 The City of Port Colborne Act, 1974
 The City of Sudbury Hydro-Electric Service Act, 1980
 The City of Thorold Act, 1975
 The City of Thunder Bay Act, 1968-69
 The City of Timmins-Porcupine Act, 1972
 The County of Oxford Act, 1974
 The District Municipality of Muskoka Act
 The District of Parry Sound Local Government Act, 1979
 The Durham Municipal Hydro-Electric Service Act, 1979
 The Elderly Persons' Housing Aid Act
 The Haliburton Act
 The Halton Municipal Hydro-Electric Service Act, 1979
 The Hamilton-Wentworth Municipal Hydro-Electric Service Act, 1980
 The Housing Development Act
 The Line Fences Act, 1979
 The Local Improvement Act

The Moosonee Development Area Board Act
The Municipal Act
The Municipal Affairs Act
The Municipal Arbitrations Act
The Municipal Conflict of Interest Act, 1972
The Municipal Corporations Quieting Orders Act
The Municipal Elderly Residents' Assistance Act, 1973
The Municipal Elections Act, 1977
The Municipal Franchises Act
The Municipal Subsidies Adjustment Repeal Act, 1976
The Municipal Tax Assistance Act
The Municipal Unemployment Relief Act, 1971
The Municipal Works Assistance Act
The Municipality of Metropolitan Toronto Act
The Municipality of Shuniah Act, 1936
The North Pickering Development Corporation Act, 1974
The Ontario Housing Corporation Act
The Ontario Land Corporation Act, 1974
The Ontario Planning and Development Act, 1973
The Ontario Student Housing Corporation Act, 1978
The Ontario Unconditional Grants Act, 1975
The Ontario Youth Employment Act, 1977
The Ottawa-Carleton Amalgamations and Elections Act, 1973
The Ottawa-Carleton Municipal Hydro-Electric Service Act, 1980
The Oxford Municipal Hydro-Electric Service Act, 1977
The Parkway Belt Planning and Development Act, 1973
The Peel Municipal Hydro-Electric Service Act, 1977
The Planning Act
The Police Village of St. George Act, 1980
The Provincial Parks Municipal Tax Assistance Act, 1974
The Public Parks Act
The Public Utilities Act
The Public Utilities Corporations Act
The Regional Municipality of Durham Act, 1973
The Regional Municipality of Haldimand-Norfolk Act, 1973
The Regional Municipality of Halton Act, 1973
The Regional Municipality of Hamilton-Wentworth Act, 1973
The Regional Municipality of Niagara Act
The Regional Municipality of Ottawa-Carleton Act
The Regional Municipality of Ottawa-Carleton Land Acquisition Act, 1980
The Regional Municipality of Peel Act, 1973
The Regional Municipality of Sudbury Act, 1972
The Regional Municipality of Waterloo Act, 1972
The Regional Municipality of York Act
The Road Access Act, 1978
The Shoreline Property Assistance Act, 1973
The Snow Roads and Fences Act
The Statute Labour Act
The Tax Sales Confirmation Act, 1974
The Territorial Division Act
The Tom Longboat Act, 1980
The Toronto District Heating Corporation Act, 1980
The Toronto Islands Act, 1980
The Town of Wasaga Beach Act, 1973
The Township of North Plantagenet Act, 1976
The Village of Point Edward Act, 1979
The Waterloo Electrical Service Areas Act, 1977
The Wharfs and Harbours Act
The York Municipal Hydro-Electric Service Act, 1978

BILL 89

1981

(Chapter 20)

An Act to provide for the Consolidation of Hearings under certain Acts of the Legislature

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,Interpre-
tation

- (a) "establishing authority" means the chairmen or vice-chairmen of the Environmental Assessment Board and the Ontario Municipal Board, as provided in section 4;
- (b) "Hearings Registrar" means the Hearings Registrar under this Act;
- (c) "joint board" means a joint board established under this Act;
- (d) "joint board hearing" means a hearing under this Act by a joint board;
- (e) "municipality" means the corporation of a county, city, town, village, township or improvement district or of a metropolitan, regional or district municipality and a board, commission or other local authority exercising any power in respect of municipal affairs or purposes, including school purposes, in territory without municipal organization;
- (f) "person" includes a municipality, Her Majesty in right of Ontario, a Crown agency within the meaning of *The Crown Agency Act*, a public body, a partnership, an unincorporated joint venture and an unincorporated association; R.S.O. 1970,
c. 100
- (g) "proponent" means a person who carries out or proposes to carry out or is the owner or person having charge, management or control of an undertaking;

- (h) "regulations" means regulations made under this Act;
- (i) "tribunal" means one or more persons, whether or not incorporated and however described, upon whom a power, right or duty to hold a hearing is conferred by or under an Act;
- (j) "undertaking" means an enterprise or activity, or a proposal, plan or program in respect of an enterprise or activity.

Application
of Act

2. This Act applies in respect of an undertaking in relation to which more than one hearing is required or may be required or held by more than one tribunal under one or more of the Acts set out in the Schedule or prescribed by the regulations.

Notice of
undertaking

3.—(1) The proponent of an undertaking to which this Act applies shall give written notice to the Hearings Registrar.

Contents
of notice

(2) A notice under subsection 1 must specify the general nature of the undertaking, the hearings that are required or that may be required or held, and the Acts under which the hearings are required or may be required or held.

Application
to
Divisional
Court

(3) Upon application by originating notice by any person who is or may be affected by an undertaking mentioned in subsection 1, the Divisional Court may order the proponent of the undertaking to give to the Hearings Registrar the written notice required by subsection 1.

Application
of subs. 3

(4) Subsection 3 does not apply before a day to be named by proclamation of the Lieutenant Governor.

Joint board

4.—(1) Upon receipt of notice in accordance with section 3, the Hearings Registrar shall refer the matter to the chairman of the Environmental Assessment Board and the chairman of the Ontario Municipal Board.

Establish-
ment

(2) Where a matter is referred under subsection 1, the chairman of the Environmental Assessment Board and the chairman of the Ontario Municipal Board together by order shall establish the joint board and together shall determine the composition of the joint board.

Idem

(3) Where either of the chairmen mentioned in subsection 2 is unable to act or the office of chairman is vacant, a vice-chairman of the board shall act as and have all the powers of the chairman for the purposes of this Act.

(4) The joint board shall be composed of one or more members of either or both of the Environmental Assessment Board and the Ontario Municipal Board. Composition

(5) The establishing authority may change the composition of a joint board that has not commenced to hold a hearing. Change of composition

(6) The establishing authority by order, Appointment of members, chairman and vice-chairman

(a) shall appoint the members of the joint board; and

(b) shall appoint the chairman and may appoint a vice-chairman of the joint board from the members of the joint board.

(7) Where the chairman of a joint board is absent or unable to act or the office of chairman is vacant, the vice-chairman of the joint board shall act as and have all the powers of the chairman. Authority of vice-chairman

(8) Where a joint board commences to hold a hearing under this Act and the term of office on the Environmental Assessment Board or the Ontario Municipal Board of a member sitting for the joint hearing expires or is terminated before the proceeding is disposed of, the member shall remain a member of the joint board for the purpose of completing the disposition of the proceeding in the same manner as if his term of office had not expired or been terminated. Continuation on expiry of membership

(9) A majority of the members of a joint board constitutes a quorum of the joint board, but where a vacancy occurs in the membership of a joint board the establishing authority by order, Quorum

(a) may confirm the existence of the vacancy; and

(b) may establish the number of members that constitute a quorum of the joint board.

(10) The decision of a majority of the members of a joint board presiding at a hearing is the decision of the joint board. Decision

(11) The joint board has the authority and the duty, Powers of joint board

(a) to hold a hearing in respect of and to consider the matters that could be considered at the hearings specified in the notice to the Hearings Registrar under section 3; and

(b) to make and issue a decision in respect of matters considered by the joint board.

- Hearing **5.—**(1) The joint board shall appoint a time and place for and shall hold a public hearing in respect of the matters in relation to which a hearing is required or may be required or held as specified in the notice to the Hearings Registrar under section 3.
- Decision (2) The joint board may make any decision that might be made by a tribunal that has a power, right or duty to hold a hearing in respect of which the joint board hearing was held or that might be made by any body or person after the holding of the hearing including but not limited to the granting of any authority or directing the granting or issuing of a permit or licence and the imposition of terms and conditions.
- Deferral (3) A joint board may defer any matter or part of any matter,
- (a) to be heard and decided under this Act by the joint board or another joint board at another date; or
 - (b) to be decided by the tribunal, body, or person that, but for this Act, would have a power, right or duty to deal with the matter or part under any Act set out in the Schedule or prescribed by the regulations.
- Idem,
terms, etc. (4) Where a joint board defers a matter or part of a matter under subsection 3,
- (a) the joint board may impose such terms and conditions or give such directions, or both, in respect of the proceedings or the matter or part deferred as the joint board considers proper;
 - (b) the joint board may direct that the matter or part deferred be decided without a hearing if, in the opinion of the joint board, the matter or part is not in controversy; and
 - (c) the joint board, tribunal, body or person to whom the matter or part is deferred has power to decide the matter or part in accordance with such terms, conditions and directions.
- Idem,
application
of Act (5) Where a matter or part of a matter is deferred under subsection 3 to another joint board, this Act applies with necessary modifications in respect of the matter or part and, for the purpose, the matter or part deferred shall be deemed to be an undertaking mentioned in section 3.
- Where
hearing not
required (6) A joint board may make any decision mentioned in subsection 2 without holding a hearing if the joint board is satisfied that in the circumstances a hearing would not be required or would be dispensed with under the Act specified in the Schedule

or prescribed by the regulations that, but for this Act, would apply in respect of the undertaking.

(7) The standards and criteria in or under an Act specified in a notice under section 3 that relate to the undertaking specified in the notice apply with necessary modifications in respect of a decision that may be made by a joint board under this Act. Standards and criteria

6.—(1) A proponent who does not intend to proceed with an undertaking may withdraw the notice given under section 3 by written notice to the Hearings Registrar before the commencement of the joint board hearing. Withdrawal of notice

(2) Upon application with notice, a joint board that is satisfied that a proponent does not intend to proceed with an undertaking by order may permit the proponent to withdraw the notice given under section 3 in respect of the undertaking, subject to such terms and conditions as the joint board considers proper in the circumstances. Idem

(3) A proponent may amend an incorrect or incomplete notice given under section 3 by written notice to the Hearings Registrar before the commencement of the joint board hearing. Amendment of notice by proponent

(4) A joint board may amend a notice given under section 3 on motion by a person entitled to take part in the proceedings or on its own initiative after the commencement of the joint board hearing and in so doing may impose such terms and conditions and give such directions as the joint board considers proper. Amendment of notice by joint board

7.—(1) Subject to subsection 2 and to any rule of conduct or practice or procedure prescribed by the regulations, the notices and the documents that would be required to be given or filed in respect of a hearing by a tribunal shall be given or filed, as the case may be, in the same manner in respect of the joint board hearing by the joint board established in respect of the hearing. Notices and filing of documents

(2) Upon application without notice, a joint board may change the requirements as to filing of documents or giving of notice in respect of any hearing in respect of which the joint board has been established if the joint board is satisfied that the change will facilitate the joint board hearing and is not unfair to any person entitled to be heard at or to attend the joint board hearing. Modification of requirements

(3) Subject to this Act and the regulations, a joint board may determine its own practice and procedure. Practice and procedure

- Costs** (4) A joint board may award the costs of a proceeding before the joint board.
- Payment** (5) A joint board that awards costs may order by whom and to whom the costs are to be paid.
- Taxation** (6) A joint board that awards costs may fix the amount of the costs or direct that the amount be taxed, the scale according to which they are to be taxed and by whom they are to be taxed.
- Parties** **8.**—(1) A person entitled to be heard at a hearing or to take part in proceedings before a tribunal that has a power, right or duty to hold a hearing in respect of which a joint board has been established has the same entitlement in respect of the proceedings before the joint board.
- Ministers entitled to take part in proceedings** (2) Any minister of the Crown in right of Ontario is entitled, by counsel or otherwise, to take part in proceedings before a joint board.
- Joint board may appoint class representative** (3) Upon application by a party other than the proponent, a joint board may, from among a class of parties having a common interest, recognize a person as representing the class, but any other member of the class may, with the consent of the joint board, take part in the proceedings notwithstanding the appointment.
- Additional parties** (4) A joint board may specify additional persons who shall be parties to proceedings before the joint board.
- Sittings** **9.**—(1) A joint board shall sit at such times and places as the chairman of the joint board may designate and, for the purposes of proceedings before it, the joint board may sit jointly either within or outside Ontario with any tribunal established under the law of another jurisdiction.
- Use of court house** (2) Subject to the needs of the Supreme Court, a joint board has the same right as a judge of the Supreme Court with respect to the use of the court house in a municipality for a sitting of the joint board.
- Use of town hall** (3) Where there is no court house in a municipality but there is a hall in the municipality belonging to the corporation of the municipality, a joint board has the right to use the hall for a sitting of the joint board and the corporation of the municipality shall make all arrangements necessary for the purpose.
- Expert assistance** **10.** A joint board may appoint from time to time one or more persons having technical or special knowledge of any matter to

inquire into and report to the joint board and to assist the joint board in any capacity in respect of any matter before it.

11.—(1) A joint board may state a case in writing for the opinion of the Divisional Court upon any question that, in the opinion of the joint board, is a question of law. Stating case for opinion

(2) The Divisional Court shall hear and determine the stated case and remit it to the joint board with the opinion of the Divisional Court thereon. Action thereon

12.—(1) A joint board may rehear all or part of any matter before issuing its decision in the proceedings before it. Rehearing

(2) Upon application, the establishing authority may re-establish a joint board where the establishing authority is of the opinion that part of the decision of the joint board requires clarification, and the re-established joint board may amend its decision in order to clarify the part and may rehear any part of the matter it considers necessary before making the amendment. Amendment of decision

(3) No member of a joint board shall participate in a decision of the joint board following upon a joint board hearing unless he was present throughout the joint board hearing and heard the evidence and argument of the parties. Only members at hearing to participate in decision

(4) A joint board shall give a copy of its decision and written reasons therefor to, Giving of decision

(a) the proponent;

(b) any person appointed under subsection 3 of section 8 to represent a class of parties to the proceedings; and

(c) any other party to the proceedings who took part in the proceedings before the joint board;

(d) the member of the Executive Council responsible for the administration of any Act in respect of which the decision is made;

(e) such other persons as the joint board may specify.

(5) In determining the persons, if any, to specify under clause e of subsection 4, the joint board shall take into consideration the persons who would have been entitled to notice of a decision by a tribunal or any other body or person that, but for this Act, would have a power, right or duty to hold a hearing or make a decision after a hearing in respect of the undertaking. Idem

13.—(1) Upon application, the Lieutenant Governor in Council by order, Powers of Lieutenant Governor in Council

- (a) may confirm, vary or rescind all or any part of a decision of a joint board;
- (b) may substitute for the decision of a joint board such decision as the Lieutenant Governor in Council considers appropriate; or
- (c) may require a joint board or a different joint board to hold a new hearing as to all or any part of the matters in respect of which the joint board was established.

Who may
apply

(2) An application under subsection 1 may be made by any person entitled to be heard at or to take part in proceedings before the joint board.

Time for
application

(3) An application under subsection 1 must be made within twenty-eight days after the day the decision or amended decision, as the case may be, of the joint board is issued.

Where
member
unable to
act on new
hearing

(4) Where the Lieutenant Governor in Council by order requires a joint board to hold a new hearing under this Act and one or more of the members of the joint board is unable to participate in the proceedings, the establishing authority by order shall appoint a member of the Environmental Assessment Board or the Ontario Municipal Board, as the case requires, in the place of the member unable to participate.

New hearing
by different
joint board

(5) Where the Lieutenant Governor in Council by order requires a different joint board to hold a new hearing under this Act, the establishing authority shall establish the joint board in accordance with section 4 and the joint board shall hold the new hearing in accordance with the order.

Interpre-
tation

(6) A decision by a tribunal, body or person mentioned in section 5 shall be deemed to be a decision by a joint board.

When
decision
final

14. A decision of a joint board becomes final,

- (a) where no application is made to the Lieutenant Governor in Council under section 13, with the expiry of the twenty-eighth day after the issuance of the decision;
- (b) where an application is made to the Lieutenant Governor in Council under section 13 and,
 - (i) the joint board is required to hold a new hearing, when the joint board issues its decision following upon the new hearing, or

- (ii) the joint board is not required to hold a new hearing, upon the disposition of the application by the Lieutenant Governor in Council.

15.—(1) Where a hearing is required or may be required or held under any Act set out in the Schedule or prescribed by the regulations and a joint board makes a decision in respect of the hearing, subject to section 13, Effect of joint board hearing and decision

- (a) the joint board decision stands for all purposes in place of the hearing;
- (b) the decision of the joint board stands for all purposes in place of any decision, order or action that is required or may be made or taken by the tribunal that has a power, right or duty to hold the hearing or by any other body or person after the holding of the hearing; and
- (c) no proceedings shall be taken by way of appeal in respect of the hearing or the decision except in accordance with this Act.

(2) An application for judicial review under *The Judicial Review Procedure Act, 1971*, or the bringing of proceedings specified in subsection 1 of section 2 of that Act, is not an appeal within the meaning of clause *c* of subsection 1. Judicial review 1971, c. 48

16.—(1) There shall be a Hearings Registrar appointed by the Lieutenant Governor in Council. Hearings Registrar

(2) The Hearings Registrar is the registrar of each joint board and is responsible for, Duties

- (a) assisting in the establishment and operation of each joint board; and
- (b) such other duties as may be prescribed by the regulations or assigned to him by or under any other Act.

17. The Hearings Registrar shall not be required and no member or appointee of a joint board shall be required to give testimony in any civil suit or proceeding with regard to information obtained by him in the discharge of his duties as Hearings Registrar or as a member or appointee of the joint board. Testimony by member or appointee of joint board

18. Where a person is prohibited under any Act set out in the Schedule or prescribed by the regulations from disclosing information but is permitted to disclose the information in or for the purpose of proceedings under that Act, the person may disclose the information in or for the purposes of the proceedings of a joint board under this Act. Disclosure of information

Regulations

19.—(1) The Lieutenant Governor in Council may make regulations,

- (a) for the conduct of and governing practice and procedure of joint board proceedings;
- (b) prescribing forms and providing for their use;
- (c) requiring the payment of fees in respect of proceedings before joint boards and prescribing the amounts thereof;
- (d) prescribing any matter referred to in this Act as prescribed by the regulations;
- (e) exempting any undertaking or class of undertakings or any hearing or class of hearings from the application of this Act or the regulations or any portion or section of this Act or the regulations, and prescribing conditions that shall apply to any such exemption.

Application of
R.S.O. 1970,
c. 410

(2) *The Regulations Act* does not apply to an order or decision under any other section of this Act.

Hearings
under
certain Acts

20.—(1) Where a proponent of an undertaking gives notice under section 3 to the Hearings Registrar, no person acting under any Act specified in the Schedule or prescribed by the regulations shall hold in respect of the undertaking a hearing specified in the notice or in any amendment to the notice.

Exception
where notice
withdrawn

(2) Subsection 1 does not apply where the notice under section 3 is withdrawn in accordance with section 6.

Other
proceedings

21. Nothing in this Act shall be construed to prevent a hearing or other proceeding under any other Act in respect of any matter not determined in a decision or order under this Act.

Service

22.—(1) Any notice, order or other document under this Act or the regulations is sufficiently given or served if delivered personally or sent by prepaid mail addressed to the person to whom delivery or service is to be made at the latest address appearing on the records of the Hearings Registrar.

Idem

(2) Where notice is given or service is made by prepaid mail, the giving or service shall be deemed to be made on the seventh day after the day of mailing unless the person to whom notice is given or on whom service is being made establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice, order or other document until a later date.

(3) Where a joint board is of the opinion that because the persons who are to be given any notice or document under this Act are so numerous, or for any other reason it is impracticable to give the notice or document to all or any of the persons individually, the joint board may instead of doing so cause the notice or reasonable notice of the contents of the document to be given to the persons by public advertisement or otherwise as the joint board may direct, and the date on which such notice or reasonable notice of the contents of the document is first published or otherwise given as directed, shall be deemed to be the date on which the notice or document is given. Public notice

(4) A decision of a joint board shall be deemed to be issued on the day that a copy of the decision is delivered personally or is sent by prepaid mail or is given under subsection 3 to the last of the persons mentioned in subsection 4 of section 12. Decision of joint board

23. This Act binds the Crown. Crown

24.—(1) This Act does not apply in respect of an undertaking in relation to which, before the day referred to in section 3, a hearing has been commenced under an Act set out in the Schedule or prescribed by the regulations. Transitional

(2) Notwithstanding subsection 1, the tribunal holding the hearing mentioned in subsection 1, upon application with notice by a party to the proceedings, may order the proponent of the undertaking to give to the Hearings Registrar the written notice mentioned in subsection 1 of section 3. Application and order

(3) Upon the making of the order, this Act applies in respect of the undertaking. Effect of order

(4) Subsection 1 does not apply if the hearing has been completed before the day referred to in subsection 1, whether or not a decision has been made or issued following upon the hearing. Exception

(5) Where a hearing mentioned in subsection 1 has been completed before the date referred to in subsection 1, and more than one further hearing is required or may be required or held under one or more of the Acts set out in the Schedule or prescribed by the regulations, the proponent may give to the Hearings Registrar the written notice mentioned in subsection 1 of section 3. Notice by proponent

(6) Where the proponent of an undertaking gives notice under subsection 5, this Act applies in respect of the undertaking. Effect of notice

25. This Act comes into force on the day it receives Royal Assent. Commencement

Short title

26. The short title of this Act is *The Consolidated Hearings Act, 1981*.

SCHEDULE

The Environmental Assessment Act, 1975

The Environmental Protection Act, 1971

The Expropriations Act, sections 6, 7 and 8

The Municipal Act

The Municipality of Metropolitan Toronto Act, section 65 (4)

The Niagara Escarpment Planning and Development Act, 1973

The Ontario Municipal Board Act

The Ontario Water Resources Act

The Parkway Belt Planning and Development Act, 1973

The Planning Act

The Regional Municipality of Ottawa-Carleton Act, section 140a (9)

The Regional Municipality of York Act, section 166 (3) and (9)

BILL 90

1981

(Chapter 21)

An Act to establish the Ontario Waste Management Corporation

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpretation

- (a) "Board" means the board of directors of the Corporation;
- (b) "Corporation" means the Ontario Waste Management Corporation established by section 2;
- (c) "Minister" means the member of the Executive Council designated by the Lieutenant Governor in Council to administer this Act.

2.—(1) There is hereby established a corporation without share capital under the name of "Ontario Waste Management Corporation".

Incorporation

(2) The Corporation is a Crown agency within the meaning of *The Crown Agency Act*.

Application of R.S.O. 1970, c. 100

3. The objects of the Corporation are,

Objects

- (a) to research, develop, establish, operate and maintain facilities for the transmission, reception, collection, examination, storage, treatment and disposal of wastes including sewage; and
- (b) to perform such other duties as may be assigned to it under this or any other Act.

4. The Lieutenant Governor in Council may formulate policies for the Corporation and the Corporation shall follow such policies in carrying out its objects under this Act.

Policies

Transfer of
assets and
liabilities
R.S.O. 1970,
c. 53

5. On the day this section comes into force, all assets and all liabilities of Ontario Waste Management Corp., a corporation incorporated under *The Business Corporations Act* by articles of incorporation filed by Her Majesty the Queen in right of Ontario as represented by the Minister of the Environment, are, without compensation, assets and liabilities of the Corporation.

Board of
directors

6.—(1) There shall be a board of directors of the Corporation composed of not fewer than seven members who shall be appointed by the Lieutenant Governor in Council.

Chairman
and vice-
chairman

(2) The Lieutenant Governor in Council shall appoint a chairman and a vice-chairman of the Board from the members of the Board.

Term of
office

(3) A member of the Board shall be appointed to hold office for a term not exceeding three years and may be reappointed for successive terms not exceeding three years each.

Quorum

7. A majority of the members of the Board for the time being constitutes a quorum for the transaction of business at meetings of the Board.

Acting
chairman

8.—(1) If the chairman is absent or unable to act or if the office of chairman is vacant, the vice-chairman shall act as and have all the powers of the chairman, and in the absence of the chairman and the vice-chairman from any meeting of the Board, the members of the Board present at the meeting shall appoint an acting chairman who shall act as and have all the powers of the chairman during the meeting.

Vacancy

(2) In the event of a vacancy in the office of a member of the Board caused by the death, resignation or incapacity of the member, the Lieutenant Governor in Council may appoint a person to hold office in place of the member for the remainder of the term of the member.

Remuneration
of members
of Board

9. The members of the Board shall be paid such remuneration and expenses as are determined by the Lieutenant Governor in Council.

Removal
of member
of Board
for cause

10. The Lieutenant Governor in Council may remove a member of the Board from office before the expiration of his term for cause and the Lieutenant Governor in Council may appoint a person in place of the member for the remainder of the term of the member.

Staff

11.—(1) The Corporation may employ such persons as are considered necessary from time to time for the proper conduct of the affairs of the Corporation.

(2) *The Public Service Superannuation Act* applies to the permanent and probationary employees of the Corporation as though the Corporation had been designated by the Lieutenant Governor in Council under section 27 of that Act.

Application of
R.S.O. 1970,
c. 387

(3) The Corporation may engage persons under contract other than those employed under subsection 1 to provide professional, technical or other assistance to or on behalf of the Corporation.

Expert
assistance

(4) Where the Corporation employs a person previously employed as a civil servant within the meaning of *The Public Service Act*, any attendance credits and vacation credits standing to the credit of the person as a civil servant immediately before his employment by the Corporation shall continue to stand to the credit of the person as an employee of the Corporation.

Attendance
and vacation
credits
R.S.O. 1970,
c. 386

(5) Any benefit or group plan applicable from time to time to civil servants within the meaning of *The Public Service Act* under any Act may be made applicable to the employees of the Corporation by order of the Lieutenant Governor in Council.

Application of
employee
benefit
or group
plan of
civil servants

12.—(1) *The Corporations Act* does not apply to the Corporation.

Application of
R.S.O. 1970,
c. 89

(2) The Corporation shall have a seal which shall be adopted by by-law.

Corporate
seal

(3) The Corporation has all the capacity and powers of a natural person, except as limited by this Act.

Capacity and
powers of
Corporation

13.—(1) The Board may pass by-laws regulating its proceedings, specifying the powers and duties of the officers and employees of the Corporation and generally for the conduct and management of the business and affairs of the Corporation.

By-laws, by
Corporation

(2) Except with the approval of the Lieutenant Governor in Council, the Board shall not pass a by-law for borrowing money on the credit of the Corporation or for mortgaging or pledging any of the real or personal property of the Corporation to secure any money borrowed by or any obligation or liability of the Corporation.

Borrowing
by-laws

14.—(1) Except with the prior approval of the Lieutenant Governor in Council, the Corporation shall not establish, alter or enlarge an activity, enterprise or facility in respect of wastes on any property other than the property described in the Schedule.

Where
approval
required to
establish, etc.,
facility

(2) The Lieutenant Governor in Council may attach terms, conditions and limitations to an approval mentioned in subsection 1.

Terms, con-
ditions and
limitations

Application of
1975, c. 69,
1971, c. 86,
R.S.O. 1970,
c. 332

15.—(1) *The Environmental Assessment Act, 1975*, section 33a of *The Environmental Protection Act, 1971* and section 43 of *The Ontario Water Resources Act* do not apply in respect of the following:

1. An activity, enterprise or facility,

(a) of the Corporation; or

(b) that is ancillary to an activity, enterprise or facility of the Corporation,

in respect of the property described in the Schedule.

2. An activity, enterprise or facility of the Corporation approved by the Lieutenant Governor in Council under section 14.

Limitation

(2) The Corporation shall not establish a facility referred to in paragraph 1 of subsection 1 for the reception, storage, treatment or disposal of waste on any part of the property described in the Schedule unless a report is made under section 16, and the Board concurs, that the part of the property is a safe place for the facility and that the proposal for the facility is technologically sound.

Continued
application

(3) On a day to be named by proclamation of the Lieutenant Governor, subsections 1 and 2 cease to apply except in respect of such activities, enterprises or facilities as may be specified in the proclamation.

Review of
activity or
proposed
activity

16.—(1) The Lieutenant Governor in Council from time to time may appoint one or more persons to review any activity or proposed activity of the Corporation and to report thereon to the Lieutenant Governor in Council.

Powers

1971, c. 49

(2) Where the Lieutenant Governor in Council by order so declares, the person or persons appointed under subsection 1 shall have the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part shall apply to such review as if it were an inquiry under that Act.

Fiscal
year of
Corporation

17. The fiscal year of the Corporation begins on the 1st day of April and ends on the 31st day of March in the following year.

Minister
may require
reports

18. The Minister may require the Corporation to make reports and provide information to the Minister pertaining to any aspect of the business and affairs of the Corporation in such form and at such times as the Minister may specify and the Corporation shall comply with such requirements by the Minister.

19.—(1) The Corporation shall establish and maintain an accounting system satisfactory to the Minister.

(2) The accounts and financial transactions of the Corporation shall be audited annually by the Provincial Auditor and the Provincial Auditor shall report on the audit to the Minister and the Corporation.

20. The net profits of the Corporation shall be paid into the Consolidated Revenue Fund at such times and in such manner as the Minister may direct.

21. The Corporation shall, after the close of each fiscal year, file with the Minister an annual report upon the affairs of the Corporation signed by the chairman or the vice-chairman of the Corporation and the Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

22.—(1) This Act, except section 5, comes into force on the day it receives Royal Assent.

(2) Section 5 comes into force on a day to be named by proclamation of the Lieutenant Governor.

23. The short title of this Act is *The Ontario Waste Management Corporation Act, 1981*.

SCHEDULE

Lots 10 to 21, concession 4 and lots 10 to 21, concession 5 in the Town of Haldimand, formerly in the Township of South Cayuga, in The Regional Municipality of Haldimand-Norfolk.

BILL 95

1981

(Chapter 22)

**An Act to amend
The Employment Standards Act, 1974**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 5 of section 40 of *The Employment Standards Act, 1974*, being chapter 112, is repealed and the following substituted therefor: s. 40 (5),
re-enacted

(5) An employer who has terminated or who proposes to terminate the employment of employees shall, when required by the Minister for the purpose of facilitating the re-establishment of the employees in employment, Duty of
employer

- (a) participate in such actions or measures as the Minister may direct;
- (b) participate in the establishment and work of a committee upon such terms as the Minister considers necessary; and
- (c) contribute to the reasonable cost or expense of any committee referred to in clause *b* in such amount or proportion as the Minister directs.

- (2) Clause *b* of subsection 6 of the said section 40 is repealed and the following substituted therefor: s. 40 (6) (b),
re-enacted

- (b) an employer shall pay during the period of notice,
 - (i) the wages the employee is entitled to receive, which in no case shall be less than his regular wages for a regular non-overtime work week, and
 - (ii) those contributions to be made with respect to a fund, plan or arrangement to which Part X

applies in order to maintain the benefits to which the employee is entitled; and

s. 40 (7),
re-enacted

- (3) Subsection 7 of the said section 40 is repealed and the following substituted therefor:

Payments
where
employment
terminated
without
notice

- (7) Where the employment of an employee is terminated contrary to this section,

- (a) the employer shall pay termination pay in an amount equal to the wages that the employee would have been entitled to receive at his regular rate for a regular non-overtime work week for the period of notice prescribed by subsection 1 or 2, and any wages to which he is entitled;
- (b) the employer shall pay during the period of notice prescribed by subsection 1 or 2 those contributions to be made with respect to a fund, plan or arrangement to which Part X applies in order to maintain the benefits to which the employee is entitled during the period of notice; and
- (c) the employee shall be deemed during the period of notice prescribed by subsection 1 or 2 to be actively employed on the same terms and conditions in existence during his employment for the purpose of entitlement to benefits under a plan, fund or arrangement to which Part X applies.

s. 40,
amended

- (4) The said section 40 is amended by adding thereto the following subsection:

Employer's
contributions
deemed wages

- (9) Notwithstanding subclause iv of clause *p* of section 1, the contributions to be made under subsection 6 or 7 with respect to a fund, plan or arrangement to which Part X applies shall, for the purposes of Part XIII, be deemed to be wages to which an employee is entitled.

s. 40a,
enacted

- 2.—**(1) Part XII of the said Act is amended by adding thereto the following section:

Severance
pay

40a.—(1) Where,

- (a) fifty or more employees have their employment terminated by an employer in a period of six months or less; and

- (b) the terminations are caused by the permanent discontinuance of all or part of the business of the employer at an establishment,

the employer shall pay severance pay to each employee whose employment has been terminated and who has been employed by the employer for five or more years in an amount equal to the amount the employee would have received at his regular rate for a regular non-overtime work week multiplied by the number of years of employment with the employer to a maximum of twenty-six years.

(2) Subsection 1 applies to,

Application

- (a) a regular full-time employee and a regular part-time employee;
- (b) an employee whose employment is terminated as a result of a strike or lock-out except where the employer establishes that the permanent discontinuance of all or part of the business at an establishment is caused by the economic consequences of the strike;
- (c) an employee who is temporarily absent due to illness or injury;
- (d) an employee who received or was entitled to receive notice of termination but who died before his employment was terminated or would have been terminated if notice of termination had been given;
- (e) a permanent discontinuance of all or part of a business at an establishment however caused, whether fortuitous, unforeseen or by act of God;
- (f) an employee who loses his employment by the exercise by another employee of a seniority right; and
- (g) an employee who, upon having his employment terminated, retires and is entitled to receive a reduced pension benefit.

(3) Subsection 1 does not apply to,

Exceptions

- (a) an employee who refuses an offer by his employer of reasonable alternative employment with his employer;
- (b) an employee who refuses to exercise his seniority rights to obtain reasonable alternative employment;

- (c) an employee who refuses to waive any right to be recalled for employment;
- (d) an employee who, upon having his employment terminated, retires and receives an actuarially unreduced pension benefit;
- (e) an employee whose employer is engaged in the construction, alteration, maintenance or demolition of buildings, structures, roads, sewers, pipelines, mains, tunnels or other works where the employee works at the site thereof; or
- (f) an employee who is employed under an arrangement whereby the employee may elect to work or not when requested to do so.

Severance
pay in
addition
to other
payment

(4) Severance pay under this section is payable to the employee in addition to any other payment under this Act or contract of employment without set-off or deduction, except for,

- (a) supplementary unemployment benefits payable to and received by the employee; or
- (b) payments made to the employee under a contractual severance pay scheme under which payments for loss of employment based upon length of service are provided.

Prior
employment
included

(5) Employment before the coming into force of this section shall be taken into account in calculating the years of employment of an employee to whom this section applies.

Employment
not
included

(6) A year of employment for which an employee has been paid severance pay shall be excluded in any subsequent calculation of severance pay for that employee.

Transitional

(2) Notwithstanding subsection 1 of section 40a of *The Employment Standards Act, 1974*, as enacted by subsection 1, the period of six months shall be deemed to be a period of four weeks in respect of termination of employment within the period of time from and including the 1st day of January, 1981, to and including the day immediately before the day this Act receives Royal Assent.

Idem

(3) Section 40a of the said Act does not apply to an employer who became a bankrupt or an insolvent person within the meaning of the *Bankruptcy Act* (Canada) and whose assets have been distributed among his creditors or to an employer whose proposal within the meaning of the *Bankruptcy Act* (Canada) has been accepted by his creditors in the period from and

including the 1st day of January, 1981, to and including the day immediately before the day this Act receives Royal Assent.

3. Clause c of subsection 1 of section 47 of the said Act is repealed and the following substituted therefor: s. 47 (1) (c),
re-enacted

(c) issue an order in writing to the employer to pay forthwith to the Director in trust any wages to which an employee is entitled and such order shall provide in addition for payment by the employer to the Director of a penalty of 10 per cent of the wages or the sum of \$25, whichever is the greater, but the wages ordered to be paid in respect of each employee shall not exceed,

(i) the sum of \$4,000 with respect to any wages other than the employee's severance pay, plus

(ii) the amount of the employee's severance pay, if any.

- 4.—(1) This Act, except section 2, comes into force on the day it receives Royal Assent. Commence-
ment

(2) Section 2 shall be deemed to have come into force on the 1st day of January, 1981. Idem

5. The short title of this Act is *The Employment Standards Amendment Act, 1981*. Short title

BILL 105

1981

(Chapter 23)

An Act to amend The Judicature Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 4 of *The Judicature Act*, being chapter 228 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1974, chapter 81, section 1 and 1977, chapter 45, section 1, is further amended by striking out "thirteen" in the amendment of 1974 and inserting in lieu thereof "fourteen". s. 4 (1),
amended
- 2.—(1) Subsection 1 of section 5 of the said Act, as amended by the Statutes of Ontario, 1977, chapter 45, section 2, is further amended by striking out "forty other judges" in the amendment of 1977 and inserting in lieu thereof "such number of other judges as is fixed by the regulations". s. 5 (1),
amended

(2) The said section 5 is amended by adding thereto the following subsection: s. 5,
amended

 (1a) The Lieutenant Governor in Council may by regulation fix the number of judges of the High Court who are in addition to the Chief Justice and Associate Chief Justice, but where the number is reduced by regulation, the reduction shall not be applied to affect appointments existing at the time of the reduction. Number of
additional
judges
3. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commence-
ment
4. The short title of this Act is *The Judicature Amendment Act, 1981*. Short title

BILL 106

1981

(Chapter 24)

An Act to amend The County Courts Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Clause *a* of subsection 1 of section 14 of *The County Courts Act*, being chapter 94 of the Revised Statutes of Ontario, 1970, is amended by striking out “\$7,500” in the second line and inserting in lieu thereof “\$15,000”. s. 14 (1) (a),
amended
- (2) Clause *b* of subsection 1 of the said section 14 is amended by striking out “\$7,500” in the third line and inserting in lieu thereof “\$15,000”. s. 14 (1) (b),
amended
- (3) Clause *c* of subsection 1 of the said section 14 is amended by striking out “\$7,500” in the second line and in the fourth line and inserting in lieu thereof in each instance “\$15,000”. s. 14 (1) (c),
amended
- (4) Clause *d* of subsection 1 of the said section 14 is amended by striking out “\$7,500” in the third line and inserting in lieu thereof “\$15,000”. s. 14 (1) (d),
amended
- (5) Clause *e* of subsection 1 of the said section 14 is amended by striking out “\$7,500” in the third line and inserting in lieu thereof “\$15,000”. s. 14 (1) (e),
amended
- (6) Clause *f* of subsection 1 of the said section 14 is amended by striking out “\$7,500” in the fifth line and inserting in lieu thereof “\$15,000”. s. 14 (1) (f),
amended
- (7) Clause *g* of subsection 1 of the said section 14 is amended by striking out “\$50,000” in the third line and inserting in lieu thereof “\$100,000”. s. 14 (1) (g),
amended
- (8) Clause *h* of subsection 1 of the said section 14 is amended by striking out “\$7,500” in the fourth line and inserting in lieu thereof “\$15,000” and by striking out “\$50,000” in the fifth line and inserting in lieu thereof “\$200,000”. s. 14 (1) (h),
amended

- | | |
|---------------------------|---|
| s. 14 (1) (i),
amended | (9) Clause <i>i</i> of subsection 1 of the said section 14 is amended by striking out “\$7,500” in the third line and inserting in lieu thereof “\$15,000”. |
| s. 14 (1) (j),
amended | (10) Clause <i>j</i> of subsection 1 of the said section 14 is amended by striking out “\$7,500” in the fourth line and inserting in lieu thereof “\$15,000”. |
| s. 14 (2),
amended | (11) Subsection 2 of the said section 14 is amended by striking out “\$50,000” in the eighth line and inserting in lieu thereof “\$100,000” and by striking out “\$50,000” in the ninth line and inserting in lieu thereof “\$200,000”. |
| Application
of section | (12) This section does not apply to actions commenced before this section comes into force. |
| Commence-
ment | 2. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. |
| Short title | 3. The short title of this Act is <i>The County Courts Amendment Act, 1981</i> . |

BILL 113

1981

(Chapter 25)

An Act to amend The Public Hospitals Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Public Hospitals Act*, being chapter 378 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following sections: ss. 7a, 7b. enacted

7a.—(1) The Lieutenant Governor in Council may appoint Investigators one or more persons to investigate and report on the quality of the management and administration of a hospital and the quality of the care and treatment of patients in the hospital.

(2) An investigator has the powers of an inspector under this Powers Act and the regulations.

(3) No person shall obstruct an investigator or withhold or Obstruction destroy, conceal or refuse to furnish any information or thing required by the investigator for the purposes of the investigation.

(4) The Minister shall cause a copy of the report of an investigation to be delivered to the chairman of the board of the hospital. Delivery of report

7b.—(1) The Lieutenant Governor in Council may appoint a Hospital supervisor hospital supervisor for a hospital where, having regard to the content of the report of an investigation under section 7a as to the quality of the management or administration of the hospital or the care and treatment of patients in the hospital, the Lieutenant Governor in Council is of the opinion that the appointment is in the best interest of the public.

(2) The Lieutenant Governor in Council shall not make an appointment under subsection 1 sooner than thirty days after Waiting period submission of the report of the investigation to the Lieutenant Governor in Council.

Term of
office

(3) The appointment of a hospital supervisor is valid until terminated by order of the Lieutenant Governor in Council.

Duty of
hospital
supervisor

(4) A hospital supervisor appointed for a hospital shall give advice and guidance to the board and the administrator of the hospital for the purpose of improving the quality of the management and administration of the hospital and the care and treatment of patients in the hospital.

Duty of
board and
administrator

(5) It is the duty of the board and the administrator of a hospital to receive and consider the advice and guidance of a hospital supervisor appointed for the hospital.

Action on
behalf of
board, etc.

(6) Where a hospital supervisor appointed for a hospital requests in writing that the board of the hospital or the members of the corporation that owns or operates the hospital do any act that they have authority to do and, in the opinion of the hospital supervisor, they fail to do so, the hospital supervisor may do the act on behalf of the board or the members of the corporation and the act is as effective as if done by the board or the members of the corporation, as the case may be.

Action by
board

(7) During the term of office of a hospital supervisor appointed for a hospital, no act of the board of the hospital is valid unless approved in writing by the hospital supervisor.

Right of
access

(8) A hospital supervisor appointed for a hospital has the same rights as the board and the administrator of the hospital in respect of the documents, records and information of the board and the hospital.

Reports

(9) A hospital supervisor may report to the Minister from time to time and shall report to the Minister in such form and manner, with such information and at such times, as the Minister may require.

Protection
from
personal
liability

7c.—(1) No action or other proceeding for damages or otherwise shall be instituted against an investigator or a hospital supervisor appointed under this Act for any act done in good faith in the execution or intended execution of any duty or authority under this Act or the regulations or for any alleged neglect or default in the execution in good faith of any such duty or authority.

Crown not
relieved of
liability
R.S.O. 1970,
c. 365

(2) Subsection 1 does not, by reason of subsections 2 and 4 of section 5 of *The Proceedings Against the Crown Act*, relieve the Crown of liability in respect of a tort committed by an investigator or a hospital supervisor to which the Crown would otherwise be subject and the Crown is liable under that Act for any such tort in the same manner as if subsection 1 had not been enacted.

2. For the purposes of section 7b of *The Public Hospitals Act*, the report dated June, 1981 by C. J. Clark, L. D. Wadsworth and P. B. Blewett in respect of Toronto East General and Orthopaedic Hospital shall be deemed to be the report of an investigation under section 7a of *The Public Hospitals Act* and to have been submitted to the Lieutenant Governor in Council on the 15th day of June, 1981. Report
by Messrs.
Clark,
Wadsworth
and
Blewett
R.S.O. 1970,
c. 378
3. This Act comes into force on the day it receives Royal Assent. Commence-
ment
4. The short title of this Act is *The Public Hospitals Amendment Act, 1981*. Short title

BILL 121

1981

(Chapter 26)

**An Act to provide Alternative Methods of
Fixing Penalty Charges, Interest Rates and
Discount Rates on Payments to Municipalities**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "municipality" means a municipality as defined in *The Municipal Affairs Act* and a metropolitan, regional or district municipality or the County of Oxford and any local board thereof; R.S.O. 1970,
c. 118
- (b) "overdue payment" includes any payment to be made to a municipality in respect of,
- (i) overdue taxes owing to the municipality,
 - (ii) overdue amounts owing to the municipality pursuant to a levy or requisition made by that municipality upon another municipality,
 - (iii) overdue amounts owing to the municipality by another municipality to be applied towards outstanding indebtedness of the municipality, and
 - (iv) overdue amounts owing to the municipality by another municipality for the supply of water or some other service by the first-mentioned municipality to the other municipality;
- (c) "prime rate" means the lowest rate of interest quoted by a chartered bank, named in Schedule A to the *Bank Act* 1980-81,
c. 40 (Can.) (Canada), to its most credit-worthy borrowers for prime business loans;
- (d) "prime rate percentage" means the prime rate of the chartered bank that has the highest prime rate on the

relevant day expressed as a percentage only, without the addition of the words "per annum".

Application

2. Sections 3 and 4 apply only where, under any general or special Act, a municipality is authorized or required to charge interest on overdue payments or to allow a discount for payments made in advance of their due date and where a municipality is authorized or required,

- (a) to charge interest on overdue payments, the municipality may charge interest in accordance with section 3 in lieu of charging interest in accordance with such other Act; and
- (b) to allow a discount for payments made in advance of the due date, the municipality may allow a discount in accordance with section 4 in lieu of allowing a discount in accordance with such other Act,

notwithstanding that the interest charged or the discount allowed is at a rate that is higher or lower than the rate authorized or required to be charged under such other Act.

Alternate
interest
rate

3.—(1) A municipality may, by by-law, provide that the interest payable on overdue payments shall be at the rate specified in the by-law, which rate shall not exceed the prime rate of the chartered bank that has the highest prime rate on the day the by-law is passed plus 1½ per cent per annum.

Idem

(2) A by-law passed in any year under subsection 1 in respect of interest payable on overdue payments,

- (a) may be amended to reduce the interest rate charged but shall not be amended to increase the rate;
- (b) may provide for interest to be added to overdue payments at the rate set out in the by-law only until the earlier of,
 - (i) the day a by-law in respect of interest payable on overdue payments comes into force in the next following year, or
 - (ii) the 31st day of March in the next following year; and
- (c) may be made applicable to overdue payments or any class or classes thereof, that are overdue on the day this Act comes into force or that thereafter become overdue.

(3) For the purposes of subsection 1, where a municipality is authorized by any general or special Act to fix a monthly interest rate to be added to overdue payments for each month or fraction of a month during which the payment remains unpaid, the interest rate specified in a by-law passed under subsection 1 shall not exceed one-twelfth of the prime rate percentage on the day the by-law is passed plus one-eighth of 1 per cent per month.

Monthly
interest
rate

(4) This section does not apply to any penalty for non-payment of taxes imposed under subsection 3 or 4 of section 527 of *The Municipal Act*.

Application

R.S.O. 1970,
c. 284

4.—(1) A municipality may, by by-law, provide that the discount rate on payments made to it in advance of their due date shall be at such rate as is specified in the by-law, which rate shall not exceed the prime rate of the chartered bank that has the highest prime rate on the day the by-law is passed plus 1½ per cent per annum.

Alternate
discount
rate

(2) A by-law passed in any year under subsection 1 in respect of discounts allowed on advance payments,

Idem

(a) may be amended to increase the discount rate allowed but shall not be amended to decrease the rate;

(b) may provide for discounts to be allowed on advance payments at the rate set out in the by-law only until the earlier of,

(i) the day a by-law in respect of discount rates comes into force in the next following year, or

(ii) the 31st day of March in the next following year; and

(c) may be made applicable to advance payments or any class or classes thereof, made in respect of payments that become due after the day this Act comes into force whether the advance payment was or is made before or after that day.

(3) This section does not apply to discounts or interest allowed for taxes paid in advance under subsection 5 of section 527 of *The Municipal Act*.

Application

R.S.O. 1970,
c. 284

5.—(1) In lieu of imposing a percentage charge as a penalty for non-payment of taxes under subsection 3 or 4 of section 527 of *The Municipal Act* or allowing a discount or interest for advance payment of taxes under subsection 5 of the said section 527, a municipality may impose penalties and allow discounts or interest in accordance with this section.

Application

Alternate
penalty for
non-payment
of taxes

(2) A municipality may, by by-law, impose a percentage charge as a penalty for non-payment of taxes or any class or instalment thereof not exceeding one-twelfth of the prime rate percentage on the day the by-law is passed plus one-eighth of 1 per cent and the by-law shall provide that the percentage charge shall be imposed on the first day of default and on the first day of each calendar month thereafter in which default continues, but not after the end of the year in which the taxes are levied.

Idem

(3) As an alternative to a by-law passed under subsection 2, the municipality may, by by-law, impose a percentage charge as a penalty for non-payment of taxes or all or any class or instalment thereof not exceeding the prime rate of the chartered bank that has the highest prime rate on the day the by-law is passed plus 1½ per cent per annum from the date payment is due until it is made or until the 31st day of December of the year in which the taxes were levied, whichever is earlier.

Alternate
discount or
interest on
payment in
advance

(4) The municipality may, by by-law, authorize the treasurer or collector to receive in any year payments on account of taxes for that year in advance of the day that may be fixed by by-law for the payment of any instalment of such taxes and,

(a) to allow a discount of any taxes so paid in advance at a rate not exceeding the prime rate of the chartered bank having the highest prime rate on the day the by-law is passed plus 1½ per cent per annum and may allow interest at a rate not exceeding the aforementioned maximum rate on account of taxes so paid in advance for any portion of the period for which no discount is allowed; or

(b) to allow interest on taxes paid in advance of the day fixed by by-law for the payment of any instalment of such taxes at a rate not exceeding the prime rate of the chartered bank having the highest prime rate on the day the by-law is passed plus 1½ per cent per annum,

notwithstanding that the taxes for such year have not been levied or that the assessment role on which such taxes are to be fixed and levied has not been revised and certified by the Assessment Review Court when any such advance payment is made.

Application

(5) A by-law passed under this section,

(a) may be made applicable to taxes payable in 1981, whether or not such taxes are overdue on the day this Act comes into force, and to taxes paid in 1981, if notice of the by-law is given in accordance with subsection 6 of section 527 of *The Municipal Act*, and such a by-law

applies notwithstanding that prior to the coming into force of this Act, the municipality has imposed a percentage charge or allowed a discount under subsection 3, 4 or 5 of section 527 of *The Municipal Act* or that notices have been sent out in 1981 under section 303, 521 or 521a of that Act; R.S.O. 1970,
c. 284

(b) shall be passed prior to the day on which tax notices are first given or mailed under section 303, 521, or 521a of *The Municipal Act*, where the by-law is passed after 1981; and

(c) applies only to taxes levied in the year in which it was passed.

(6) Where a by-law to which clause a of subsection 5 applies Idem has been passed, any percentage charge or discount or interest in force in the municipality under subsection 3, 4 or 5 of section 527 of *The Municipal Act* on the day the by-law is passed shall, notwithstanding *The Municipal Act*, cease to have effect as of the day on which the percentage charge, discount or interest imposed or allowed by the by-law takes effect.

(7) A by-law passed,

Amendments
to by-law

(a) under subsection 2 or 3, may be amended to reduce the percentage charge but may not be amended to increase the percentage charge;

(b) under clause a of subsection 4, may be amended to increase the discount rate but may not be amended to decrease the discount rate; and

(c) under clause b of subsection 4, may be amended to increase the interest rate but may not be amended to decrease the interest rate.

(8) Where in any Act there is a reference to subsection 3, 4 or 5 of section 527 of *The Municipal Act* and where a by-law has been passed under this section, the reference to the said subsection 3, 4 or 5 shall be deemed to be a reference to subsection 2, 3 or 4, respectively, of this section. References
in other
Acts

6. This Act comes into force on the day it receives Royal Assent. Commence-
ment

7. The short title of this Act is *The Municipal Interest and Discount Rates Act, 1981*. Short title

BILL 124

1981

(Chapter 27)

**An Act respecting
The Leeds and Grenville County
Board of Education and Teachers Dispute**

WHEREAS The Leeds and Grenville County Board of Education and its secondary school teachers have been negotiating terms and conditions of employment; and whereas a strike by the secondary school teachers against the board began on the 7th day of May, 1981; and whereas the board and its secondary school teachers have been unable to make an agreement as to terms and conditions of employment; and whereas the public interest requires that means be found for the settlement of the matters in dispute between the board and its secondary school teachers;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "board" means The Leeds and Grenville County Board of Education;
- (b) "branch affiliate" means the organization composed of all the teachers employed by the board who are members of The Ontario Secondary School Teachers' Federation;
- (c) "Commission" means the Education Relations Commission established under *The School Boards and Teachers Collective Negotiations Act, 1975*; 1975, c. 72
- (d) "lock-out" has the same meaning as in *The School Boards and Teachers Collective Negotiations Act, 1975*;
- (e) "parties" means the board and the branch affiliate;
- (f) "school day" has the same meaning as in Ontario Regulation 546/73;

- (g) "selector" means the selector appointed under this Act;
- (h) "strike" has the same meaning as in *The School Boards and Teachers Collective Negotiations Act, 1975*;
- (i) "teachers" means the secondary school teachers employed on permanent or probationary contracts by the board.

Resumption
of
employment
and
operation
of schools

2.—(1) The teachers who are on strike against the board shall, on the first school day following the day this Act comes into force, return to and resume their duties in accordance with their contracts of employment and the written collective agreement in effect on the 31st day of August, 1980 with the board and the board shall, on the first school day following the day this Act comes into force, resume the employment of such teachers in accordance with such contracts and written collective agreement and resume the normal operation of the schools in which the teachers are employed.

Strike or
lock-out

(2) During the period from and including the first school day after the day this Act comes into force until the day an agreement that includes the decision of the selector comes into effect, no teacher shall take part in a strike against the board and the board shall not lock out a teacher.

Exception

(3) Nothing in this Act precludes a teacher from not returning to and resuming his duties with the board for reasons of health or by mutual consent in writing of the teacher and the board.

Final offer
selection

3.—(1) The parties shall be deemed to have agreed,

1975, c. 72

(a) to refer all matters remaining in dispute between them that may be provided for in an agreement under *The School Boards and Teachers Collective Negotiations Act, 1975* to a selector for determination under and in accordance with Part V of that Act; and

(b) to not withdraw from the proceedings.

Appointment
of selector
by
Commission

(2) The Commission shall appoint the selector forthwith after this Act comes into force and shall give notice of the appointment to the parties, and the notice shall set out the name and address of the person appointed and the date of the appointment.

Application
of 1975, c. 72

(3) Except as otherwise provided in this Act, *The School Boards and Teachers Collective Negotiations Act, 1975* applies to the selector, to the proceedings conducted before him, to the parties and to the teachers.

4.—(1) Notwithstanding subsection 1 of section 51 of *The School Boards and Teachers Collective Negotiations Act, 1975*, the agreement giving effect to all matters agreed upon by the parties and the decision of the selector shall be for the period commencing on the 1st day of September, 1980 and expiring on the 31st day of August, 1983. Term of agreement
1975, c. 72

(2) The Commission may, with the concurrence of the selector and the parties, reduce any period of time referred to in section 41, 42, 44, 45 or 48 of *The School Boards and Teachers Collective Negotiations Act, 1975*. Reduction of time periods

5.—(1) Every person or party that contravenes any provision of this Act is guilty of an offence. Offences

(2) The provisions of *The School Boards and Teachers Collective Negotiations Act, 1975*, respecting offences and penalties and the procedures relating thereto apply in respect of a contravention of any provision of this Act. Idem

6. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor and is repealed on the day on which the collective agreement made under this Act comes into force. Commencement and repeal

7. The short title of this Act is *The Leeds and Grenville County Board of Education and Teachers Dispute Act, 1981*. Short title

BILL 126

1981

(Chapter 28)

An Act to amend The Executive Council Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 2 of *The Executive Council Act*, being chapter 153 of the Revised Statutes of Ontario, 1970, as re-enacted^{s. 2 (1). re-enacted} by the Statutes of Ontario, 1972, chapter 1, section 3, is repealed and the following substituted therefor:

(1) The Lieutenant Governor may appoint under the Great^{Portfolios} Seal from among the ministers of the Crown the following ministers to hold office during pleasure:

President of the Council
 Attorney General
 Chairman of the Management Board of Cabinet
 Minister of Agriculture and Food
 Minister of Colleges and Universities
 Minister of Community and Social Services
 Minister of Consumer and Commercial Relations
 Minister of Correctional Services
 Minister of Culture and Recreation
 Minister of Education
 Minister of Energy
 Minister of the Environment
 Minister of Government Services
 Minister of Health
 Minister of Industry and Tourism
 Minister of Intergovernmental Affairs
 Minister of Labour
 Minister of Municipal Affairs and Housing
 Minister of Natural Resources
 Minister of Northern Affairs
 Minister of Revenue
 Minister of Transportation and Communications
 Provincial Secretary for Justice
 Provincial Secretary for Resources Development

Provincial Secretary for Social Development
Solicitor General
Treasurer of Ontario and Minister of Economics,

and such other ministers as the Lieutenant Governor sees fit, and may by order in council prescribe their duties and the duties of any ministries over which they preside, and of the officers and clerks under their jurisdiction.

s. 3 (1-3a),
re-enacted

- 2.** Subsections 1 to 3a of section 3 of the said Act, as re-enacted by the Statutes of Ontario, 1980, chapter 17, section 1, are repealed and the following substituted therefor:

Salaries

(1) The annual salary of every minister with portfolio is \$23,300.

Additional
salary for
Premier

(2) The member of the Executive Council holding the recognized position of First Minister shall receive, in addition, \$9,900 per annum.

Salary of
minister
without
portfolio

(3) The annual salary of every minister without portfolio is \$11,700.

Salary of
Parliamentary
Assistant

(3a) The annual salary of every Parliamentary Assistant is \$7,200.

Commence-
ment

- 3.** This Act shall be deemed to have come into force on the 1st day of April, 1981.

Short title

- 4.** The short title of this Act is *The Executive Council Amendment Act, 1981*.

BILL 127 1981

(Chapter 29)

An Act to amend The Legislative Assembly Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 1 of section 60 of *The Legislative Assembly Act*, being chapter 240 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1980, chapter 16, section 1, is repealed and the following substituted therefor: s. 60 (1),
re-enacted

(1) An indemnity at the rate of \$30,000 per annum shall be paid to every member of the Assembly. Members'
indemnities

- (2) Subsection 2 of the said section 60, as re-enacted by the Statutes of Ontario, 1979, chapter 75, section 1, is repealed and the following substituted therefor: s. 60 (2),
re-enacted

(2) An allowance for expenses at the rate of \$10,000 per annum shall be paid to every member of the Assembly. Members'
allowances

- (3) Subsection 5 of the said section 60, as re-enacted by the Statutes of Ontario, 1978, chapter 98, section 1, is repealed. s. 60 (5),
repealed

- 2.—(1) Subsection 1 of section 62 of the said Act, as re-enacted by the Statutes of Ontario, 1980, chapter 16, section 3, is repealed and the following substituted therefor: s. 62 (1),
re-enacted

- (1) In addition to his indemnity as a member, there shall be paid, Indemnity
of Speaker,
Leader of
Opposition
and leader
of a minority
party
- (a) to the Speaker an indemnity at the rate of \$17,200 per annum;
- (b) to the Leader of the Opposition an indemnity at the rate of \$23,300 per annum; and
- (c) to the Leader of a party, except the Premier and the Leader of the Opposition, that has a recognized mem-

bership of twelve or more persons in the Assembly an indemnity at the rate of \$11,700.

s. 62 (4),
repealed

(2) Subsection 4 of the said section 62 is repealed.

s. 63 (1),
re-enacted

3. Subsection 1 of section 63 of the said Act, as re-enacted by the Statutes of Ontario, 1979, chapter 75, section 5 and amended by the Statutes of Ontario, 1980, chapter 16, section 4, is repealed and the following substituted therefor:

Chairman
and Deputy
Chairman of
Whole House
and Chairmen
of standing
committees,
indemnity

(1) In addition to his indemnity as a member, an indemnity shall be paid,

- (a) to the person who is Deputy Speaker and Chairman of the Committees of the Whole House at the rate of \$7,200 per annum;
- (b) to the Deputy Chairman of the Committees of the Whole House at the rate of \$5,000 per annum; and
- (c) to the chairman of each standing committee at the rate of \$3,900 per annum.

s. 64 (1),
re-enacted

4. Subsection 1 of section 64 of the said Act, as re-enacted by the Statutes of Ontario, 1980, chapter 16, section 5, is repealed and the following substituted therefor:

Whips,
indemnities

(1) In addition to his indemnity as a member, an indemnity shall be paid,

- (a) to the Chief Government Whip, at the rate of \$8,900 per annum;
- (b) to the Deputy Government Whip, at the rate of \$6,100 per annum;
- (c) to each of not more than three Government Whips, at the rate of \$4,400 per annum;
- (d) to the Chief Opposition Whip, at the rate of \$6,100 per annum;
- (e) to each of not more than two Opposition Whips, at the rate of \$4,400 per annum; and
- (f) in the case of each party that has a recognized membership of twelve or more persons in the Assembly, other than the party from which the Government is chosen and the party recognized as the Official Opposition,

- (i) to the Chief Party Whip of the party, at the rate of \$5,000 per annum, and
- (ii) to the Party Whip of the party, at the rate of \$4,000 per annum.

5. Subsections 2 and 3 of section 65 of the said Act, as re-enacted by the Statutes of Ontario, 1973, chapter 151, section 7, are repealed and the following substituted therefor: s. 65 (2, 3), re-enacted

(2) Where a member of the Assembly travels between his residence and the seat of government at Toronto while on business as a member of the Assembly, he shall be paid the actual and reasonable cost of transportation by scheduled airline economy flight, on not more than fifty-two round trips for the member in any year, six of which may be used for such round trip travel for the member's spouse or persons in such relationship to the member as may be prescribed from time to time by the Board of Internal Economy. Expenses, air travel

(3) Where a member of the Assembly travels between his residence and the seat of government at Toronto while on business as a member of the Assembly, he shall be paid the actual and reasonable cost of transportation by first class train accommodation or bus on any number of round trips for the member and not more than six such round trips in any year for the member's spouse or persons in such relationship to the member as may be prescribed from time to time by the Board of Internal Economy, and the actual and reasonable cost of berths, meals and gratuities incurred in the course of such transportation. train and bus

(3a) The Board of Internal Economy has power to determine amounts and prescribe relationships for the purposes of subsections 1 to 3. Power of Board of Internal Economy

6. Subsection 1 of section 66 of the said Act, as amended by the Statutes of Ontario, 1977, chapter 24, section 3, and 1978, chapter 98, section 8, is further amended by striking out the first, second, third and fourth lines and inserting in lieu thereof the following: s. 66 (1), amended

(1) There shall be paid to each member of a committee of the Assembly other than the chairman thereof an allowance for expenses of \$60 and to the chairman thereof an allowance for expenses of \$70, and,

- 7.—(1) Subsection 1 of section 67 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 98, section 9, is amended by striking out "one quarter" in the fifth line and inserting in lieu thereof "one-half". s. 67 (1), amended

s. 67 (2),
amended

- (2) Subsection 2 of the said section 67 is amended by striking out "one-quarter" in the second line and inserting in lieu thereof "one-half".

s. 67 (3),
amended

- (3) Subsection 3 of the said section 67 is amended by striking out "one-quarter" in the fifth line and inserting in lieu thereof "one-half".

s. 68,
re-enacted

8. Section 68 of the said Act, as re-enacted by the Statutes of Ontario, 1980, chapter 16, section 6, is repealed and the following substituted therefor:

House
Leaders'
indemnities

68. In addition to his indemnity as a member, an indemnity shall be paid,

(a) to the Opposition House Leader, at the rate of \$8,900 per annum;

(b) to the House Leader of a party, other than the party from which the Government is chosen and the party recognized as the Official Opposition, that has a recognized membership of twelve or more persons in the Assembly at the rate of \$6,700 per annum.

s. 68a,
enacted

9. The said Act is amended by adding thereto the following section:

Advances

68a.—(1) Upon the request of a member, there shall be paid, out of the moneys that have accrued to the member at the time the request is made,

(a) any part of the indemnity and any additional indemnity payable to the member under this Act, not exceeding one-twelfth of the annual indemnities per month; and

(b) any part of the annual allowances for expenses payable to the member under this Act, not exceeding one-twelfth of the annual allowances for expenses per month.

Application
of subs. 1

(2) Subsection 1 applies notwithstanding the other provisions of this Act as to the times of payment of indemnities and allowances for expenses.

Commence-
ment

10. This Act shall be deemed to have come into force on the 1st day of April, 1981.

Short title

11. The short title of this Act is *The Legislative Assembly Amendment Act, 1981*.

BILL 129

1981

(Chapter 30)

An Act to amend The Workmen's Compensation Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clauses *a, c, d, e* and *f* of subsection 1 of section 36 of *The Workmen's Compensation Act*, being chapter 505 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1979, chapter 114, section 1, are repealed and the following substituted therefor:

(a) the necessary expenses of the burial or cremation of the employee, not exceeding \$1,200;

(c) where the widow or widower is the sole dependant, a monthly payment of,

(i) \$447, effective the 1st day of July, 1980, and

(ii) \$492, effective the 1st day of July, 1981;

(d) where the dependants are a widow or a widower and one or more children, a monthly payment of,

(i) \$447 with an additional monthly payment of \$123 to be increased upon the death of the widow or widower to \$139 for each child under the age of sixteen years, effective the 1st day of July, 1980, and

(ii) \$492 with an additional monthly payment of \$136 to be increased upon the death of the widow or widower to \$153 for each child under the age of sixteen years, effective the 1st day of July, 1981;

(e) where the dependants are children, for each child under the age of sixteen years, a monthly payment of,

(i) \$139, effective the 1st day of July, 1980, and

(ii) \$153, effective the 1st day of July, 1981;

(f) where there are dependants other than those mentioned in clauses *c*, *d* and *e*, and there are no dependants who are persons referred to in the said clauses, a sum reasonable and proportionate to the pecuniary loss to such first-mentioned dependants occasioned by the death, to be determined by the Board, but not exceeding in the whole,

(i) \$447 a month effective the 1st day of July, 1980, and

(ii) \$492 a month effective the 1st day of July, 1981.

Application

(2) Clause *a* of subsection 1 of section 36 of the said Act, as re-enacted by subsection 1 of this section, applies only where the death occurs on or after the 1st day of July, 1981.

Idem

(3) Clauses *c*, *d*, *e* and *f* of subsection 1 of the said section 36, as re-enacted by subsection 1 of this section, apply to payments accruing after the effective dates but nothing therein entitles any person to claim additional compensation for any period prior to the effective dates.

Idem

(4) The amounts payable under clauses *c*, *d*, *e* and *f* of subsection 1 of the said section 36, as re-enacted by subsection 1 of this section, do not apply to a lump sum award or to payments due prior to the effective dates.

s. 36 (7),
re-enacted

2.—(1) Subsection 7 of the said section 36, as re-enacted by the Statutes of Ontario, 1979, chapter 114, section 2, is repealed and the following substituted therefor:

Payment of
lump sum

(7) In addition to any other compensation provided for, the widow or widower, or where the employee leaves no widow or widower, the person described in subsection 6, is entitled to a lump sum of \$1,200.

Application

(2) Subsection 7 of section 36 of the said Act, as re-enacted by subsection 1 of this section, applies only where the death occurs on or after the 1st day of July, 1981.

s. 41a,
amended

3. Section 41a of the said Act, as re-enacted by the Statutes of Ontario, 1979, chapter 114, section 3, is amended by adding thereto the following subsections:

(3) Notwithstanding subsection 1, where the employee is not working and is in receipt of temporary disability benefits and has continuously received temporary disability benefits for the immediately preceding twenty-four months, the Board shall adjust the rate of compensation being paid by adding thereto an additional 10 per cent of the compensation rate being paid but the compensation rate so adjusted shall not exceed the maximum established by sections 39 and 44. Further adjustment

(4) Subsection 3 applies to payments accruing on and after the 1st day of July, 1981, but nothing therein entitles any person to claim additional compensation for any period prior to the day next following the end of the twenty-four month period referred to in subsection 3 and nothing therein entitles any person to more than one adjustment to his rate of compensation under subsection 3. Application

4. Subsections 8 to 10, as re-enacted by the Statutes of Ontario, 1979, chapter 114, section 4, and subsection 11, as enacted by the Statutes of Ontario, 1979, chapter 114, section 4, of section 42 of the said Act, are repealed and the following substituted therefor: s. 42 (8-11), re-enacted

(8) The amounts payable under this section shall be increased where the injury occurred on or before the 30th day of June, 1980, by adding thereto a factor of 9 per cent effective the 1st day of July, 1980. Increase in payments

(9) The amounts payable under this section shall be increased where the injury occurred on or before the 30th day of June, 1981, by adding thereto a factor of 10 per cent effective the 1st day of July, 1981, but the amounts of compensation to which an employee is entitled shall not exceed the like proportion of 75 per cent of the rate of average earnings computed under subsection 1 of section 44 effective on the 1st day of July, 1981, for amounts accruing on and after the 1st day of July, 1981. Idem

(10) Subsections 8 and 9 do not apply to a lump sum award previously made by the Board under this Part, including an award that was previously commuted or paid as a lump sum under subsection 4, an award under subsection 6 or an award under clause *b* of section 43. Non-application of subss. (4, 6, 8, 9), s. 43 (b)

(11) For paying compensation for accidents occurring on or before the 30th day of June, 1980, the maximum established by subsection 1 of section 44 shall be \$20,200 for the purposes of subsection 8. Maximum established

- 5.—(1) Section 43 of the said Act, as re-enacted by the Statutes of Ontario, 1979, chapter 114, section 5, is repealed and the following substituted therefor: s. 43, re-enacted

Minimum
amount of
compensation

43. Notwithstanding anything to the contrary in this Part, the amount of compensation to which an injured employee is entitled shall not be less than,

(a) for temporary total disability,

(i) \$156 a week where his average earnings were not less than \$156 a week, from the 1st day of July, 1981, and

(ii) the amount of his earnings where his average earnings are less than \$156 a week from the 1st day of July, 1981,

and for temporary partial disability, a proportionate amount in accordance with the impairment of earning capacity; and

(b) for permanent disability, the pension computed in accordance with sections 42 and 44, but the amount of such pension shall not be less than,

(i) for permanent total disability,

1. \$623 a month for the period from the 1st day of July, 1980, to and including the 30th day of June, 1981, and

2. \$686 a month from the 1st day of July, 1981, and

(ii) for permanent partial disability, an amount proportionate to that mentioned in subclause i in accordance with the impairment of earning capacity; or

(c) alternatively to subclause i of clause b, for permanent total disability the benefits which would have been payable from time to time under clauses c, d and e of subsection 1 of section 36 and under section 38, as if he had died from the injury.

Application

(2) Subclauses i and ii of clause a of section 43 of the said Act, as re-enacted by subsection 1 of this section, apply to accidents occurring on and after the 1st day of July, 1981, but nothing therein entitles a person to claim additional compensation for any period prior to the 1st day of July, 1981.

Idem

(3) Sub-subclause 1 of subclause i of clause b and subclause ii of the said clause b and clause c of the said section 43, as re-

enacted by subsection 1 of this section, apply to payments accruing on and after the 1st day of July, 1980, but nothing therein entitles a person to claim additional compensation for any period prior to the 1st day of July, 1980.

- 6.—(1) Subsection 1 of section 44 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 173, section 1, 1975, chapter 47, section 10, 1978, chapter 54, section 5 and 1979, chapter 114, section 6, is further amended by striking out “\$18,500” in the amendment of 1979 and inserting in lieu thereof “\$22,200”. s. 44 (1),
amended
- (2) Subsection 1 of section 44 of the said Act, as amended by subsection 1 of this section, applies to accidents occurring on and after the 1st day of July, 1981, and to benefits arising under subsection 1 of section 41*a* and subsection 10 of section 42 of the Act, as amended by section 5 of this Act, but does not apply to a commutation lump sum award previously made, including an award under subsection 4 of section 42, or to an award made under subsection 6 of section 42, or to an award under clause *b* of section 43 of the Act, and nothing in subsection 1 of this section entitles any person to claim additional compensation for any period prior to the 1st day of July, 1981. Application
- 7.—(1) Clause *b* of subsection 3 of section 51 of the said Act, as re-enacted by the Statutes of Ontario, 1979, chapter 114, section 7, is repealed and the following substituted therefor: s. 51 (3) (b),
re-enacted
- (b) on application, an allowance not exceeding \$290 per annum for the replacement or repair of clothing worn or damaged by reason of the wearing of a lower limb prosthesis or a back brace for a permanent back disability or a permanent leg brace, and not exceeding \$145 per annum in respect of an upper limb prosthesis, where such lower or upper limb prosthesis, back brace or permanent leg brace is supplied by the Board,
-
- (2) Clause *b* of subsection 3 of section 51 of the said Act, as re-enacted by subsection 1 of this section, applies to payments accruing on and after the 1st day of July, 1981, but nothing therein entitles any person to claim additional payment for any period before the 1st day of July, 1981. Application
8. This Act comes into force on the day it receives Royal Assent. Commence-
ment
9. The short title of this Act is *The Workmen's Compensation Amendment Act, 1981*. Short title

PART II
PRIVATE BILLS

BILL Pr6

1981

(Chapter 92)

An Act respecting the County of Lambton

WHEREAS The Corporation of the County of Lambton hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "council" means the council of the County;
- (b) "County" means The Corporation of the County of Lambton;
- (c) "local municipality" means a town, village or township in the County that is not separated therefrom for municipal purposes;
- (d) "municipal electors" means the persons entitled to vote at a municipal election;
- (e) "vote" or "votes" means the vote or votes of a member of the council.

2. Notwithstanding sections 27, 27a and 27b of *The Municipal Act*, membership on the council and the votes of such members shall be as follows:

County
council:
composition
of and
votes on
R.S.O. 1970,
c. 284

- 1. Where a local municipality has less than 1,000 municipal electors, the reeve only shall be a member of the council and shall have one vote.
- 2. Where a local municipality has not less than 1,000 and not more than 2,500 municipal electors, the reeve and deputy reeve shall be members of the council and each shall have one vote.

3. Where a local municipality has more than 2,500 but not more than 4,000 municipal electors, the reeve and the deputy reeve shall be members of the council and the reeve shall have two votes and the deputy reeve shall have one vote.
4. Where a local municipality has more than 4,000 but not more than 6,500 municipal electors, the reeve and the deputy reeve shall be members of the council and each shall have two votes.
5. Where a local municipality has more than 6,500 but not more than 10,000 municipal electors, the reeve and the deputy reeve shall be members of the council and the reeve shall have three votes and the deputy reeve shall have two votes.
6. Where a local municipality has more than 10,000 municipal electors, the reeve and the deputy reeve shall be members of the council and each shall have three votes.

Application of
R.S.O. 1970,
c. 284

3. Subsection 2 of section 34 and section 202 of *The Municipal Act* apply with necessary modifications to this Act.

Commence-
ment

4. This Act comes into force on the 1st day of December, 1982.

Short title

5. The short title of this Act is *The County of Lambton Act, 1981*.

BILL Pr10

1981

(Chapter 95)

An Act to incorporate London Baptist Bible College and London Baptist Seminary

WHEREAS London Baptist Seminary hereby represents that it was incorporated by letters patent, dated the 17th day of September, 1976, under the name "London Baptist Seminary" for the purpose of establishing and carrying on a Bible Seminary and for providing a training program in the Bible for young people called to the Ministry; that since that time London Baptist Seminary, in affiliation with Piedmont Bible College, has been granting diplomas in education and the degrees of Bachelor of Theology, Bachelor of Religious Education, Master of Religious Education and Master of Divinity; and whereas the applicant hereby applies for special legislation providing for the continuance of its organization, government and administration, to exercise suitable powers, rights and privileges, including the power to grant appropriate degrees in the field of religious study; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act,

Inter-
pretation

- (a) "academic dean" means a dean of a faculty, school, institute, department or other academic division of the College so designated by the Board;
- (b) "academic unit" means a faculty, school, institute, department or other academic division of the College so designated by the Board;
- (c) "Alumni Association" means the association of individuals who have received degrees, diplomas or certificates from the College;
- (d) "Board" means the Board of Governors of the College;

- (e) "Charter Corporation" means London Baptist Seminary as it existed immediately prior to the coming into force of this Act;
- (f) "College" means London Baptist Bible College and London Baptist Seminary as incorporated by this Act;
- (g) "faculty" means all persons employed by the College to teach or give instruction at the College;
- (h) "student" means a person who has registered as such in a program or course of study at the College leading to a degree, diploma or certificate of the College;
- (i) "supporting church" means a church, which provides support, including financial support, for the philosophy, objects and operation of the College, and which has been designated as a supporting church by a by-law of the College;
- (j) "year" means the membership year of the Board and shall be any twelve-month period established from time to time by the Board.

Conflict with
R.S.O. 1970,
c. 89

(2) In the event of a conflict between any provision of this Act and any provision of *The Corporations Act*, the provision of this Act prevails.

Charter
Corporation
re-
incorporated

2.—(1) The Board of Governors of the College is hereby constituted a body corporate with perpetual succession and a common seal under the name of "London Baptist Bible College and London Baptist Seminary".

Rights and
liabilities
continued

(2) The property, rights, privileges and powers of the Charter Corporation are hereby continued and vested in the College and the liabilities of the Charter Corporation together with the benefits and burdens of all contracts and covenants of the Charter Corporation are hereby continued in and assumed by the College.

By-laws, etc.,
continued

(3) Subject to this Act, all by-laws, resolutions and appointments of the Charter Corporation shall continue as by-laws, resolutions and appointments of the College until amended, repealed or revoked.

Charter
Corporation
dissolved

(4) The Charter Corporation is dissolved on the day this Act comes into force.

Objects and
purposes

3. The objects and purposes of the College are,

(a) to provide post-secondary training programs for individuals called to the Ministry and to equip and encourage them,

(i) to preach effectively,

(ii) to evangelize, and

(iii) to establish and develop churches in Canada and throughout the world;

(b) to develop the devotional and spiritual life of the student; and

(c) to encourage each student to develop a mastery of the content of the Bible and to help the student to develop Christian character.

4.—(1) The affairs of the College shall be managed by the Board of Governors. Board of Governors

(2) The Board shall consist of not fewer than ten persons or more than fifteen persons, as determined from time to time by the Board, by by-law. Composition

(3) No person shall be elected as a member of the Board unless the person is a member in good standing of a fundamental Baptist Church and is in full agreement with the doctrinal statement of the College and is a Canadian citizen. Qualifications

(4) The first members of the Board shall be the persons named in the Schedule hereto. First members

(5) The President of the College, the Chairman of the Advisory Council, if there is an Advisory Council, and the President of the Alumni Association shall be *ex officio* members of the Board. Ex officio members

(6) The members of the Board, other than those referred to in subsection 5, shall be elected by secret ballot by the existing Board at the annual meeting referred to in subsection 3 of section 6 and shall serve as members for a term of three years. Election of members and term

(7) At least 75 per cent of the elected members of the Board shall be members of supporting churches. Elected members, additional qualifications

(8) Notwithstanding subsection 6, the Board may by by-law provide for the election and retirement in rotation of the first members of the Board and, notwithstanding any other provision of this Act, may determine that one or more of the first members of the Board shall serve for an initial period of less than three years. Staggered terms

- Re-election,
maximum term
of office (9) No elected member of the Board shall serve for more than three consecutive terms but a member who has served for three consecutive terms shall again be eligible for election to the Board on the expiration of one year after having completed the third of three consecutive terms.
- Idem (10) Service on the Board of the Charter Corporation prior to the day this Act comes into force, service on the Board for a period of less than three years by any first member of the Board under subsection 8, service on the Board as an *ex officio* member, or service on the Board for the balance of an unexpired term by a member elected under subsection 14 does not constitute service of all or part of a term or terms for the purposes of subsection 9.
- Dismissal
for cause (11) Notwithstanding any other provision in this Act, any member of the Board may bring a motion before a meeting of the Board to dismiss for cause an elected Board member.
- Notice (12) Notice of a motion brought under subsection 11 shall be given to every member of the Board by sending the notice by prepaid mail thirty days or more before the date of the meeting to the latest address shown on the records of the College for each member.
- Special
majority (13) A motion brought under subsection 11 shall be voted on by secret ballot and the motion shall be passed if it receives at least two-thirds of the votes cast at the meeting.
- Vacancies (14) Where a vacancy occurs among the elected members of the Board, the remaining members of the Board shall forthwith call a meeting of the Board to elect a new member to fill the vacancy on the Board, and the person so elected shall serve for the balance of the unexpired term of the vacating member.
- Quorum (15) Unless the by-laws otherwise provide, a majority of the Board constitutes a quorum for the transaction of business, but in no case shall the quorum be less than a majority of the Board.
- Votes (16) Subject to subsections 13 and 17, all by-laws and resolutions of the Board shall be passed by a majority of the votes cast at the meeting of the Board.
- Unanimous
vote (17) Any by-law or resolution of the Board which in any way alters the doctrinal statement of the College, as laid down by by-law, shall be passed only upon the approval of all Board members.
- Casting
vote (18) In case of an equality of votes, the Chairman of the Board, in addition to his original vote, shall have a second and deciding vote.

5.—(1) The Board shall elect annually from among its members and by secret ballot, a chairman who shall preside at all meetings of the Board and a vice-chairman, and the chairman and vice-chairman shall both be eligible for re-election. Chairman and vice-chairman

(2) The Board shall elect annually a secretary, a treasurer and such other officers as the Board may determine from time to time, who shall all be eligible for re-election for successive terms and the secretary, the treasurer and the other officers elected under this subsection need not be members of the Board. Secretary, treasurer, etc.

(3) If the chairman is absent for any reason or that office is vacant, the vice-chairman shall act as and have all the powers of the chairman. Vice-chairman

(4) The secretary shall keep an accurate record of all transactions of the Board, and provide each member of the Board with a copy of the minutes of each meeting as soon as practicable after such meeting, and shall superintend all correspondence on behalf of the Board. Duties of secretary

(5) The treasurer shall oversee the receipts, expenditures and recording of all financial transactions of the College. Duty of treasurer

(6) If any office referred to in this section is vacant or if for any reason any officer is unable to act, the Board may designate another eligible person to act in that behalf. Vacancies

6.—(1) The Board shall meet every two months and at such other times as the chairman of the Board, or in his absence the vice-chairman of the Board, deems necessary. Board meetings

(2) Any two members of the Board may request an extraordinary meeting of the Board upon written notice being sent to every other member of the Board at the latest address shown on the records of the College for each member. Extraordinary meeting

(3) In addition to its other meetings, the Board shall hold an annual meeting once in each calendar year. Annual meeting

7. The Board has all powers necessary or convenient to perform its duties and achieve the objects and purposes of the College including, without limiting the generality of the foregoing, the power, Powers of Board

(a) to enact by-laws for the conduct of its affairs;

(b) to establish and terminate programs and courses of study after consideration of the recommendations, if any, of the Academic Council and the faculty;

- (c) to appoint, promote, suspend and remove administrative officers of the College and the members of the administrative staff;
- (d) to appoint and promote the academic officers and members of the faculty;
- (e) to grant leave to and to suspend and remove the academic officers and members of the faculty;
- (f) to define the duties of the academic officers, the faculty, the administrative officers and the administrative staff, and to fix their salaries and remuneration, and to provide for further benefits for all such people, including, without limiting the generality of the foregoing, the provision for the retirement of such people, and to create any funds necessary for that purpose either with the money of the College or by contributions from such people, or from a combination of both;
- (g) to establish, change and terminate academic units within the College and determine the powers and duties of any such unit;
- (h) to appoint committees and to delegate to any such committee the power and authority to act for the Board with respect to any matter or class of matters, provided that where power and authority to act for the Board are delegated to a committee a majority of the members of the committee shall be members of the Board;
- (i) to federate or affiliate the College with any other institution of higher learning, and to dissolve any such federation or affiliation or any existing federation or affiliation or modify or alter the terms thereof;
- (j) to establish and collect fees and charges for tuition and for services of any kind offered by the College and collect fees and charges on behalf of any entity, organization or element of the College;
- (k) to borrow money for the purposes of the College and give security therefor on such terms and in such amounts as it may deem advisable;
- (l) to invest all money, which comes into the College and is not required to be expended, for any purpose to which it lawfully may be applied, subject always to any express limitations or restrictions on investment powers imposed by the terms of same, in such manner as it

considers proper and, except where a trust instrument otherwise directs, to combine trust moneys belonging to those trusts in its care into a common trust fund;

- (m) to acquire, accept, solicit or receive, by purchase, lease, deed, contract, donation, legacy, gift, grant, bequest, devise or otherwise, any kind of real or personal property and to enter into and carry out agreements, contracts and undertakings incidental thereto and to hold any such property for the purpose of drawing revenues therefrom, and to sell, lease, mortgage, dispose of and convey the same or any part thereof or interest therein as the Board may consider advisable;
 - (n) to hold, manage, sell or convert any of the real or personal property from time to time owned by the College and to invest and reinvest any principal in such manner as may from time to time be determined;
 - (o) to acquire and maintain such real property, equipment and furnishings as the Board may consider necessary for the operation of the College, and to erect, maintain, equip and furnish such other buildings and structures as the Board may consider necessary for the purposes of the College including residences and dining halls for the use of the faculty, administrative staff and students of the College;
 - (p) to make such rules and regulations as the Board may consider necessary respecting the management and control of residences and dining halls and the property and operation of the College in general;
 - (q) to appoint a member or members of the Board or any other person or persons to execute on behalf of the Board,
 - (i) documents and other instruments in writing generally, or
 - (ii) specific documents and other instruments in writing,
- and to affix the corporate seal of the College thereto;
- (r) to enact by-laws to regulate the admission of individuals, who are members of a fundamental Baptist church, who are in full accord with and subscribe to the doctrinal statement of the College as set out in the by-laws, and who are in agreement with the philosophy and

objects of the College, as members of the Board, and as faculty of the College;

- (s) to adopt and from time to time amend the doctrinal statement of the College;
- (t) to create one or more advisory bodies and to determine the composition, functions and procedures of any such body; and
- (u) to designate any church as a supporting church of the College.

President

8.—(1) The College shall be administered by a President appointed by and under the direction of the Board of Governors.

Duties of
President

(2) The President is responsible for the direction of the administrative staff and the faculty, and, as a Board member, may participate in all Board meetings except when the subject-matter of any meeting relates directly to his person or salary, during which discussions he may be excluded from the meeting.

Academic
Council

9.—(1) There shall be an Academic Council of the College composed of,

- (a) the President of the College;
- (b) the Deans of Students;
- (c) all academic deans;
- (d) at least three faculty members, the number to be determined from time to time by the Academic Council, to be elected by secret ballot by the faculty; and
- (e) at least two students, the number to be determined from time to time by the Academic Council, to be elected by secret ballot by the students.

Powers and
duties

(2) The Academic Council has the following powers and duties:

- 1. To make recommendations to the Board to establish and terminate programs and courses of study.
- 2. To determine the curricula of all programs and courses of study, standards of admission to the College and continued registration therein, and the qualifications for graduation.

3. To conduct examinations, appoint examiners and decide all matters related to examinations and the appointment of examiners.
4. To award fellowships, scholarships, bursaries, medals, prizes and other marks of academic achievement.
5. To award diplomas and certificates and to grant the degrees of Bachelor of Theology, Bachelor of Religious Education, Bachelor of Sacred Music, Master of Theology, Master of Religious Education, Master of Theological Studies, Master of Sacred Music, Master of Divinity, and Master of Biblical Studies.
6. To appoint committees and delegate thereto the power and authority to act for them with respect to any matter or class of matters set out in paragraphs 1 to 5, but where such power and authority to act are delegated to a committee, a majority of the members of the committee shall be members of the Academic Council or the faculty or a combination thereof.
7. Subject to clauses *d* and *e* of subsection 1, to determine from time to time the number of faculty and student members appointed to the Academic Council, and to determine the term of office of one, two or three years, as the case may be, for each such member.
8. To determine the procedures to be followed in the election of members of the Academic Council, to conduct such elections, and to determine any dispute as to the eligibility of a candidate at such election or of a person to vote thereat.
9. To determine the procedures to be followed in the conduct of its affairs.
10. To do all things necessary for carrying out the powers and duties as set out in paragraphs 1 to 9.

(3) The President shall be the chairman of the Academic Council.

Academic
Council
chairman

10.—(1) Subject to subsections 2 and 3, the meetings of the Board and the Academic Council shall be open to the public and prior notice of meetings shall be given to the members of the Board or the Academic Council, as the case may be, and to the public in such manner as the Board or Academic Council shall respectively determine and no persons shall be excluded from a meeting except for improper conduct as determined by the Board or the Academic Council, as the case may be.

Meetings
open
to public

Confidential
matters

(2) Notwithstanding subsection 1, where a matter is confidential to the College, that part of a meeting of the Board or the Academic Council, as the case may be, concerning such a matter may be held *in camera*.

Personal
matters

(3) Where a matter of a personal nature concerning an individual may be considered at a meeting of the Board or the Academic Council, as the case may be, that part of the meeting concerning the individual shall be held *in camera* unless the individual and the Board agree that that part of the meeting be open to the public.

Publication
of by-laws

11.—(1) The College shall publish its by-laws from time to time in such manner as the Board shall consider proper.

Inspection

(2) The by-laws of the College shall be open to examination by the public during the normal office hours of the College.

Auditors
R.S.O. 1970,
c. 373

12.—(1) The Board shall appoint one or more auditors licensed under *The Public Accountancy Act* to audit the accounts and transactions of the College at least once a year.

Annual
audited
statements

(2) The annual audited statements of the College shall be made available to all supporters of the College in such manner as the Board may determine.

Fiscal year

(3) The fiscal year of the College shall be as established from time to time by the Board.

Property

13. All property heretofore or hereafter granted, conveyed, devised or bequeathed to the Charter Corporation, any of its divisions or departments, or to the College or any of its academic units, or any person in trust for the benefit of any of the foregoing, subject to any trust affecting the same, vests in the College.

References
to Charter
Corporation

14. For the purposes of construing any instrument or other document, unless the contrary intention appears, a reference to the Charter Corporation or any of its divisions or departments shall be construed to refer to the College.

Power to
take property
in mortmain

15. The College has power to purchase or otherwise acquire, take or receive, by deed, gift, bequest or devise and to hold, possess and enjoy, without licence in mortmain and without limitation as to the period of holding, any estate or property whatsoever, whether real or personal, and to sell, grant, convey, mortgage, lease or otherwise dispose of the same or any part thereof or any interest therein from time to time and as occasion may require, and to acquire other estate or property in addition thereto or in place thereof.

16. The College shall be carried on without purpose of gain for the members of the Board and any surplus or other accretions to the College shall be used in promoting its objects. Non-profit corporation

17. *The Charities Accounting Act* applies to the College. Application of R.S.O. 1970, c. 63

18. In the event of the dissolution or winding up of the College, all its remaining property, after the payment of all debts and liabilities, shall be distributed to one or more recognized charitable organizations in Canada having objects of a religious nature as similar as possible to those of the College. Dissolution

19. This Act comes into force on the day it receives Royal Assent. Commencement

20. The short title of this Act is *The London Baptist Bible College and London Baptist Seminary Act, 1981*. Short title

SCHEDULE

First Board of Governors of London Baptist Bible College and London Baptist Seminary:

Dr. Gerald Benn, Ph.D., President.

Rev. Rueben Brubacher, Pastor.

Mr. Steve Field, Business Manager.

Rev. Fred Howard, Pastor.

Rev. David Irwin, Th.M., Pastor.

Dr. Abe Klashen, M.D., Physician.

Dr. Rodger McCready, D.V.M., Veterinarian.

Rev. Robert Redding, Pastor.

Rev. Leander Roblin, Retired Pastor.

Rev. R. Snell, Missionary Representative.

BILL Pr1

1981

(Chapter 96)

An Act to revive Mildove Mining Company Limited

WHEREAS Milton Kirsh, Rose Kirsh and Leon Weinrib hereby represent that Mildove Mining Company Limited, herein called the Corporation, was incorporated by letters patent dated the 7th day of January, 1957; that the Minister of Consumer and Commercial Relations, by order dated the 5th day of March, 1975, and made under the authority of subsection 3 of section 251 of *The Business Corporations Act*, cancelled the certificate of incorporation of the Corporation for default in filing annual returns, and declared the Corporation to be dissolved on the 9th day of April, 1975; that the applicants were all the directors and the holders of all common shares of the Corporation at the time of its dissolution; that although the notice of default in filing annual returns required by the said subsection 3 of section 251 of *The Business Corporations Act* was sent to each of the applicants as directors, through inadvertence, no action was taken to revive the Corporation until more than two years after the date of the said notice; that the Corporation, at the time of its dissolution, owned certain assets and that it is desirable to revive the Corporation so that it may deal with those assets; and whereas the applicants hereby apply for special legislation reviving the Corporation; and whereas it is expedient to grant the application;

Preamble

R.S.O. 1970,
c. 53

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Mildove Mining Company Limited is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position as a company incorporated by letters patent, including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts as at the date of its dissolution, in the same manner and to the same extent as if it had not been dissolved.

Mildove
Mining
Company
Limited
revived

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is *The Mildove Mining Company Act, 1981*.

BILL Pr14 1981
(Chapter 98)

An Act respecting the City of North York

WHEREAS The Corporation of the City of North York, Preamble
herein called the Corporation, hereby applies for special
legislation in respect of the matters hereinafter set forth; and
whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts as
follows:

- 1. In this Act,** Interpre-
tation
- (a) "Corporation" means The Corporation of the City of
North York;
 - (b) "municipal taxes" means taxes imposed for municipal
and school purposes in respect of real property assessed
as residential or farm property and includes local
improvement or other special rates;
 - (c) "owner" means a person assessed as the owner of resi-
dential real property and includes an owner within the
meaning of *The Condominium Act, 1978*; 1978, c. 84
 - (d) "personal residence" means the residence ordinarily
inhabited by the owner.

2.—(1) Notwithstanding any general or special Act, the Tax credit
and refund
authorized
council of the Corporation may pass by-laws authorizing and
directing the treasurer of the Corporation to allow owners of
residential real property in the City of North York a uniform
credit or refund in an amount of \$150 per year against municipal
taxes for the years 1981, 1982 and 1983 in respect of the residen-
tial real property, if the owner or the spouse of the owner or both,

- (a) occupies or occupy the property in respect of which
municipal taxes are imposed as his, her or their
personal residence;

- (b) has or have attained the age of sixty-five years or such greater age as the by-law may provide;
- (c) has or have been assessed as the owner of residential real property in the municipality for a period of not less than one year, or for a period of not less than such other number of years up to five as the by-law may provide, immediately preceding the date of application for the credit; and
- (d) is or are receiving a monthly guaranteed income supplement under Part II of the *Old Age Security Act* (Canada).

R.S.C. 1970,
c. O-6

Conditions

(2) The following conditions apply to a credit or refund authorized under subsection 1:

1. No credit or refund shall be allowed to an owner in respect of more residential real property than one single family dwelling unit in any year.
2. No credit or refund shall be allowed to any person who has not made application therefor in the year in which the municipal taxes in respect of which the credit or refund is claimed become due and payable.
3. A credit shall be allowed for municipal taxes imposed on any real property only on payment of the remaining portion of such municipal taxes.
4. No refund shall be allowed for municipal taxes imposed on any real property in any year unless such municipal taxes have been paid in full in that year.
5. Where the municipal taxes payable by an owner in the year, before any credit or refund, are less than an amount equal to the sum of \$150 plus the amount of the maximum grant that may be paid to the owner or his or her spouse under section 2 of *The Ontario Pensioners Property Tax Assistance Act, 1980*, the credit or refund shall be the amount by which such municipal taxes exceed the amount of such maximum grant.

1980, c. 18

Exception

(3) Notwithstanding paragraph 4 of subsection 2, where the amount of an allowable credit of municipal taxes in any year is greater than the amount of the municipal taxes unpaid in that year, the difference between such amounts may be refunded and the unpaid portion may be allowed as a credit.

3. A by-law passed under subsection 1 of section 2 may, Additional powers

- (a) provide for the continuation of the credits or refunds to the surviving spouse of a deceased person to whom a credit or refund was allowed, if the spouse otherwise qualifies for the credit or refund except for the qualification set out in clause c of subsection 1 of section 2; and
- (b) prescribe such regulations with respect to the administration of the by-law, not inconsistent with this Act, as the council of the Corporation may consider proper.

4.—(1) The amount of any credit or refund allowed from Lien
time to time under a by-law passed under subsection 1 of section 2 shall be a lien in favour of the Corporation upon the real property in respect of which the credit or refund has been allowed and the lien shall have priority over,

- (a) any encumbrance upon the property arising before or after the date of registration of the notice mentioned in subsection 3 if the encumbrancer is a relative by blood or marriage of the person to whom the credit was allowed; and
- (b) any other encumbrance upon the property arising after the date of registration of the notice mentioned in subsection 3.

(2) The amount of the lien shall become due and be paid to the Idem
Corporation upon any change in ownership of the real property except,

- (a) where the new owner is the husband, wife, brother or sister of the person to whom a credit or refund was allowed and is a person entitled to a credit or refund under a by-law passed under this Act; or
- (b) by way of a mortgage other than a sale or foreclosure under the mortgage.

(3) Where a by-law passed under subsection 1 of section 2 is in Notice of
lien and
discharge
of lien
force, forthwith after a credit or refund has been allowed under the by-law for the first time in respect of any real property or for the first time after a lien under this Act in respect of any real property has been discharged, a notice signed by the treasurer of the Corporation stating that a credit or refund has been allowed together with a description of the real property sufficient for

registration shall be registered in the proper land registry office and, upon payment in full to the treasurer of the Corporation of the amount of all outstanding credits and refunds allowed in respect of the property, a certificate of the treasurer of the Corporation showing the payment shall be similarly registered, and thereupon the lien in respect of the real property is discharged.

Forms (4) A notice of lien under subsection 3 may be in Form 1 and a certificate of payment under that subsection may be in Form 2.

Commence- 5. This Act comes into force on the day it receives Royal ment Assent.

Short title 6. The short title of this Act is *The City of North York Act, 1981*.

Form 1

NOTICE OF LIEN

The City of North York Act, 1981

The Treasurer of The Corporation of the City of North York

HEREBY GIVES NOTICE That a credit or refund has been allowed under By-Law No. of the said municipality made under Section 2 of *The City of North York Act, 1981* to

insert name(s) {
of owner(s) {

in respect of the real property situate in the City of North York in The Municipality of Metropolitan Toronto in the Province of Ontario being composed of the whole (or part) of:

Lot (Block)

in Concession

or according to Plan No.

for use if { registered in the Registry Office for the
registered { Registry Division of
in a {
registry office { as described in Registered Instrument No.

for use if { registered in the Office of Land Titles
registered {
in an { at
office of {
land titles { as Parcel No. in the
Register for.

AND that any credit or refund allowed from time to time is a lien in favour of The Corporation of the City of North York upon the above-mentioned real property in accordance with *The City of North York Act, 1981*.

Dated at North York this day of 19....

.....
Treasurer

INQUIRIES concerning the discharge of the lien should be addressed to the Treasurer, City of North York, 5100 Yonge Street, Willowdale, Ontario, M2N 5V7.

Form 2

CERTIFICATE OF PAYMENT

The City of North York Act, 1981

The Treasurer of The Corporation of the City of North York

HEREBY CERTIFIES That all amounts due to the said municipality under Section 2 of *The City of North York Act, 1981*, have been paid in full by, or on behalf of,

insert name(s) {
of owner(s) {

in respect of the real property situate in the City of North York in The Municipality of Metropolitan Toronto in the Province of Ontario being composed of the whole (or part) of:

Lot (Block)

in Concession

.....

or according to Plan No.

for use if { registered in the Registry Office for the
registered {
in a { Registry Division of
registry office { as described in Registered Instrument No.

for use if { registered in the Office of Land Titles
registered {
in an { at
office of {
land titles { as Parcel No. in the
Register for

AND that the lien, described in the Notice of Lien registered as Instrument No., is hereby discharged.

Dated at North York, this day of 19....

.....
Treasurer

BILL Pr3

1981

(Chapter 99)

An Act to revive Sioux Petroleums, Limited

WHEREAS John G. Ross, Robert Wilson Kerr, Donald Robertson Webster and Minnie Mary Ann Ross hereby represent that Sioux Petroleums, Limited, herein called the Corporation, was incorporated by letters patent dated the 20th day of October, 1945; that the Provincial Secretary by order dated the 24th day of February, 1964 and made under the authority of subsection 2 of section 326 of *The Corporations Act*, being chapter 71 of the Revised Statutes of Ontario, 1960, cancelled the letters patent of the Corporation for default in filing annual returns and declared the Corporation to be dissolved on the 23rd day of March, 1964; that the applicants are the executors of the Estate of J. Gordon Ross, deceased; that J. Gordon Ross, deceased, was a director and shareholder of the Corporation at the time of the dissolution; that the applicants during the course of administration of the said Estate became aware of the dissolution of the Corporation; that the Corporation at the time of its dissolution owned certain real property; that the applicants wish to revive the Corporation in order that the shares owned by the said J. Gordon Ross, deceased, may be distributed to his beneficiaries; and whereas the applicants hereby apply for special legislation reviving the Corporation; and whereas it is expedient to grant the application;

Preamble

R.S.O. 1960,
c. 71

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Sioux Petroleums, Limited is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position as a company incorporated by letters patent including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts as at the date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

Sioux
Petroleums,
Limited,
revived

2. *The Corporations Information Act*, 1976 and any predecessor thereof do not apply to the Corporation with respect to any

Non-
application of
1976, c. 66

failure of the Corporation to comply with that Act or any predecessor thereof prior to the day this Act comes into force.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. The short title of this Act is *The Sioux Petroleums, Limited Act, 1981*.

BILL Pr5

1981

(Chapter 101)

**An Act to revive
Stacey's Custom Upholstery Limited**

WHEREAS Stanley Stacey, Audrey Stacey and Marguerite Geddes hereby represent that Stacey's Custom Upholstery Limited, herein called the Corporation, was incorporated by letters patent dated the 23rd day of May, 1962; that the Provincial Secretary, by an order dated the 12th day of October, 1967, and made under the authority of subsection 2 of section 326 of *The Corporations Act*, being chapter 71 of the Revised Statutes of Ontario, 1960, cancelled the letters patent of the Corporation for default in filing annual returns and declared it to be dissolved on the 16th day of November, 1967; that the applicants were all the directors of the Corporation at the time of dissolution; that default in filing the annual returns occurred by reason of inadvertence; that the Corporation at the time of its dissolution was actively carrying on the business authorized by its letters patent and since that time active business has continued to be carried on in the name of the Corporation and in the name of Stacey's Custom Upholstery; and whereas the applicants hereby apply for special legislation reviving the Corporation; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Stacey's Custom Upholstery Limited is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position as a company incorporated by letters patent, including all its property, rights, privileges and franchises and subject to all its liabilities and debts as at the date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

Stacey's
Custom
Upholstery
Limited
revived

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. The short title of this Act is *The Stacey's Custom Upholstery Limited Act, 1981*.

Short title

BILL Pr2 1981

(Chapter 103)

An Act respecting the City of Toronto

WHEREAS The Corporation of the City of Toronto, herein Preamble
 called the Corporation, hereby applies for special legislation
 in respect of the matters hereinafter set forth; and whereas it is
 expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of
 the Legislative Assembly of the Province of Ontario, enacts as
 follows:

1. Notwithstanding any general or special Act, the council of Agreement
with
University
of Toronto
authorized
 the Corporation may enter into and perform the agreement with
 the Governing Council of the University of Toronto set out in the
 Schedule hereto and upon its execution the said agreement shall
 be valid and binding upon the parties thereto according to its
 terms.

2. Section 2 of *The City of Toronto Act, 1972 (No. 2)*, being 1972, c. 199,
s. 2,
amended
 chapter 199, as amended by the Statutes of Ontario, 1977, chapter
 109, section 4, is further amended by adding thereto the following
 subsection:

(7) A notice requiring the owner of vacant land to take any Service of
notice
 action necessary to make same conform to the standards may be
 served personally or by registered mail addressed to the owner at
 his last known address and, where notice is served by registered
 mail, the service shall be deemed to have been made on the fifth
 day after the day of mailing.

3.—(1) Subsections 1 and 2 of section 5 of *The City of Toronto* 1975, c. 117,
s. 5 (1, 2),
re-enacted
Act, 1975 (No. 2), being chapter 117, are repealed and the follow-
 ing substituted therefor:

(1) In this section, “assisted housing program” means a pro- Interpre-
tation
 gram which in the opinion of the council of the Corporation is
 designed to provide housing accommodation by sale or lease, at a
 price or rental below the current market price or rental in the area
 in which the accommodation is located.

By-laws
respecting
density of
development
R.S.O. 1970,
c. 349

(2) In any by-law passed under section 35 of *The Planning Act*, the council of the Corporation may prescribe one or more residential densities of development applicable to any land in respect of which the owner agrees with the Corporation, as set out in subsection 3, to provide such proportion or such number as the by-law may specify of units to be built on such lands for the purposes of an assisted housing program for such period or periods of time as is specified in the agreement, and another residential density applicable to such land in respect of which the owner does not so agree.

1975, c. 117,
s. 5,
amended

(2) The said section 5 is amended by adding thereto the following subsections:

Validity
of
agreement

(5) No agreement made pursuant to subsection 3 shall be declared to be invalid by reason of failure to specify particulars of an assisted housing program.

Consent of
City required
for conveyance,
etc.

(6) Where an agreement has been registered under subsection 4, no person shall, during the operation of an agreement entered into under subsection 3, convey any unit of housing accommodation which is part of an assisted housing program, by way of deed or transfer or grant, assign, or exercise a power of appointment with respect to the unit, or mortgage or charge the unit or enter into an agreement of sale and purchase respecting the unit, or enter into any agreement which has the effect of granting the use of or right in the unit directly or by entitlement to renewal for a period of twenty-one years or more, without the written consent of the Corporation.

Conveyance,
etc.,
contrary to
subs. 6

(7) Where an agreement has been registered under subsection 4, an agreement, conveyance, mortgage or charge made, or a power of appointment granted, assigned or exercised in contravention of subsection 6, does not create or convey any interest in the unit.

Certificate
of clerk

(8) Where a written consent, referred to in subsection 6, has been given by the Corporation, the clerk of the Corporation shall provide a certificate, in registrable form, to the person obtaining the consent stating that the written consent of the Corporation has been obtained and the certificate of the clerk is conclusive evidence that the consent was given and that the provisions of this section leading to the consent have been complied with and after the certificate has been given no action may be maintained to question the validity of the consent and the certificate may be registered in the proper land registry office.

Validity
of by-laws
restricting
occupancy

(9) No by-law passed by the council that implements subsection 2 shall be invalidated notwithstanding that the effect thereof is to restrict occupancy of housing accommodation to such persons or class or classes of persons as are set out in the by-law.

(10) A by-law that implements subsection 2 may provide that any person entering into an agreement under subsection 3 who fails to provide such proportion or such number of units for such period or periods of time as may be specified in the agreement for the purposes of an assisted housing program, shall be deemed to have contravened the by-law and is guilty of an offence and on conviction the person is liable to a fine of not more than \$10,000. Offence

(11) In addition to any penalty or other remedy provided by law, every owner who contravenes any of the provisions of an agreement entered into under subsection 3, shall be liable for damages payable to the Corporation in an amount equal to the difference between the price or rental of the housing accommodation which is the subject of the agreement, as determined under the agreement, and the selling price or actual rental of such housing accommodation for such period of time as the owner has contravened the agreement, and such damages may be recovered as a debt due to the Corporation. Damages

(12) Subsections 6 and 7 do not apply to an agreement unless the said subsections are set out in the agreement. Contents of agreement

4. A by-law passed under section 4 of *The City of Toronto Act, 1980*, being chapter 126, may also authorize pursuant to permits issued to owners of private property, front yard parking for physically handicapped persons, as defined in the by-law, and the provisions thereof in respect of front yard parking for physically handicapped persons may be different from and in conflict with any other provisions contained in a by-law passed under that section. Front yard parking permits for physically handicapped persons
1980, c. 126

5.—(1) Notwithstanding subsection 2 of section 1 of *The Expropriations Act*, where the Corporation wishes to acquire land or any interest therein in the rear of lands abutting on a highway for the purpose of a public lane or for the purpose of any outlet connecting such public lane with a highway and a person to be served under the said Act is unknown or his address is unknown, any document or notice to be served, including any notice required to be served under section 38 of the said Act may, subject to subsection 2, be served upon the Public Trustee and such service shall be deemed to be good and sufficient service upon such person for the purposes of the said Act. Service of notice
R.S.O. 1970, c. 154

(2) The Corporation shall make application pursuant to section 38 of *The Expropriations Act*, within one year from the first service upon the Public Trustee, for the appointment of a person to represent the interests of an owner served pursuant to subsection 1. Representative
R.S.O. 1970, c. 154

(3) Where the Corporation serves a document or notice, on the Public Trustee under subsection 1, the Public Trustee is under no Duty of Public Trustee

duty to attempt to locate the person who, or whose address, is unknown, or to take any other action except to provide, on request by any person and on payment of any fee for copying, a copy of the document or notice.

Application
R.S.O. 1970,
c. 154

(4) This section applies to proceedings taken under *The Expropriations Act*, whether commenced before or after this section comes into force.

Contributions
to craft
tradesmen's
pensions
R.S.O. 1970,
c. 324

6. Notwithstanding section 8 of *The Ontario Municipal Employees Retirement System Act*, it is lawful and shall be deemed always to have been lawful for the Corporation to make a contribution for the provision of a pension to any person employed by the Corporation as a craft tradesman where such contribution is required by the terms of a collective agreement made binding by any statute upon the Corporation or where the Corporation complies or has complied with the terms of collective agreements respecting the payment of pension contributions for such craft tradesmen and where such contribution has been or is being made *The Ontario Municipal Employees Retirement System Act* does not apply.

R.S.O. 1970,
c. 324

Member-
ship of
Board of
Toronto
Electric
Commis-
sioners

7.—(1) The Board of Commissioners established under *An Act respecting the City of Toronto*, being chapter 119 of the Statutes of Ontario, 1911, and called the Toronto Electric Commissioners is continued and shall consist of five members,

- (a) one of whom shall be, *ex officio*, the mayor of the Corporation;
- (b) one of whom shall be appointed by Ontario Hydro; and
- (c) three of whom shall be appointed by the council of the Corporation as follows:

1. One member who shall be a member of council.

2. Two members who shall not be members of council.

Idem

(2) The council of the Corporation may, by by-law passed with the written consent of the mayor, appoint a delegate from among the members of the council to represent the mayor on the Toronto Electric Commissioners.

Non-
application of
R.S.O. 1970,
c. 390, s. 44

(3) Section 44 of *The Public Utilities Act* does not apply to an appointment made under paragraph 1 of clause *c* of subsection 1.

(4) Subject to subsection 5, members appointed under clauses *b* and *c* of subsection 1 shall hold office for two years and until their successors are appointed and shall be eligible for reappointment. Term of office, etc.

(5) The term of office of a member of the Toronto Electric Commissioners who is also a member of council of the Corporation shall not extend beyond the term of the council that made the appointment and he shall cease to be a member of Toronto Electric Commissioners upon ceasing to be a member of the council, except that the person shall continue to hold office until his successor is appointed. Idem

(6) Notwithstanding subsection 1, the members of the Toronto Electric Commissioners immediately prior to the coming into force of this Act shall continue to hold office until their respective terms of office expire and until their successors are appointed. Idem

(7) If an appointed member dies, or wishes to resign, or refuses to act, or becomes unable from any cause to perform his duties, the council or Ontario Hydro, as the case may be, may appoint a successor in his stead for the remainder of his term of office, and such successor is, subject to subsection 5, eligible for reappointment. Substitution of members

(8) Subsections 2 and 3 of section 108 of *The Power Corporation Act* do not apply to the Board of Commissioners continued by this section. Application of R.S.O. 1970, c. 354, s. 108 (2, 3)

(9) Section 16 of *An Act respecting the City of Toronto*, being chapter 119 of the Statutes of Ontario, 1911, is repealed. 1911, c. 119, s. 16, repealed

8. This Act comes into force on the day it receives Royal Assent. Commencement

9. The short title of this Act is *The City of Toronto Act, 1981*. Short title

SCHEDULE

THIS AGREEMENT made in quadruplicate this day of 198 .

BETWEEN:

THE GOVERNING COUNCIL OF THE UNIVERSITY OF TORONTO,

(hereinafter called "the University"),

OF THE FIRST PART;

—and—

THE CORPORATION OF THE CITY OF TORONTO,

(hereinafter called "the City"),

OF THE SECOND PART.

WITNESSETH THAT:

WHEREAS under a predecessor to section 148 of *The Municipality of Metropolitan Toronto Act*, as amended, the City of Toronto, the Village of Forest Hill and the Village of Swansea were on the 1st day of January, 1967, amalgamated as a city municipality the inhabitants of which are a body corporate under the name of the Corporation of the City of Toronto, the City herein, such amalgamation being deemed thereunder to be by order of the Ontario Municipal Board pursuant to an application thereto under section 14 of *The Municipal Act*, as therein set forth, and by virtue of section 19 of *The Municipal Act* all the assets and liabilities of The Corporation of the City of Toronto (hereinafter called the former City) are now assets and liabilities of the City herein;

AND WHEREAS the Bursar of the University and Colleges at Toronto entered into an indenture of lease with the former City dated January 1, 1859 ("the 1859 lease") with respect to the lease to the former City of the lands which became known as Queen's Park and the Avenues and approaches thereto;

AND WHEREAS by agreement dated May 2, 1877, between the said Bursar and the former City ("the 1877 agreement") a deviation of the line of a road required by the 1859 lease to be constructed on the east side of a proposed Botanical Garden was authorized;

AND WHEREAS by agreement dated July 19, 1883, between Her Majesty the Queen represented for the purpose of said agreement by the Bursar of the University and Colleges at Toronto and the former City ("the 1883 agreement") the laying of tracks on the Yonge Street Avenue (now known as College Street) for the purposes of a street railway was authorized subject to the terms and conditions of said agreement;

AND WHEREAS by agreement dated March 2, 1889, between Her Majesty the Queen, represented by the said Bursar and the former City ("the 1889 agreement") a certain action commenced by Her Majesty's Attorney-General for the Province of Ontario on the relation of the said Bursar against the former City was settled upon the terms and conditions set out therein;

AND WHEREAS the University is the successor to the rights of the said Bursar and of Her Majesty under the agreements hereinbefore mentioned;

AND WHEREAS by Chapter 53 of 52 Victoria 1889 ("the 1889 Statute") the 1889 agreement was confirmed;

AND WHEREAS by Chapter 54 of 7 Edward VII 1907 ("the 1907 Statute") the 1889 agreement was amended with respect to the arbitration provision thereof;

AND WHEREAS by agreement authorized by Chapter 119 of Geo. V 1911 ("the 1911 agreement") certain matters relating to the Avenue from Queen Street (now included in the avenue known as University Avenue) and the widening of Anderson Street (now Dundas Street West) were agreed upon;

AND WHEREAS by Chapter 75 of 3-4 Geo. V 1913 ("the 1913 Statute") the 1889 agreement was supplemented with respect to the terms and conditions for access to the Avenue from Queen Street (now included in the avenue known as University Avenue) and the cross Avenue from Yonge Street (now known as College Street) and with respect to the widening and straightening of the latter;

AND WHEREAS by agreement dated September 24, 1929, between the University and the former City ("the 1929 agreement") the location of the westerly limit of the avenue known as University Avenue as dedicated by the 1889 agreement was confirmed;

AND WHEREAS by agreement dated November 24, 1950, between the former City and the University ("the 1950 agreement") the location of the roadway known as Queen's Park Crescent West was agreed to be altered and a certain bridge constructed on the terms set out therein;

AND WHEREAS the University has requested the City to release from the 1859 lease, as from time to time amended, supplemented and confirmed, the lands described in Schedule 'A' hereto;

AND WHEREAS the City has requested the University to dedicate the lands described in Schedule 'B' hereto with certain rights reserved to the University as hereinafter in this agreement set forth;

AND WHEREAS the University intends concurrently herewith so to dedicate the lands described in Schedule 'C', with certain rights reserved to the University, as set forth in an agreement bearing the date hereof between the University and The Municipality of Metropolitan Toronto.

NOW THEREFORE the parties agree as follows:

1. The lands described in Schedule 'A' hereto and the unexpired residue of the term of years created by the 1859 lease in respect of such lands only are hereby assigned and surrendered by the City to the University absolutely.

2. The lands described in Schedule 'B' hereto are (subject to the reservations in favour of the University hereinafter in this agreement set forth) to be, and are hereby dedicated by the University for public highway purposes, subject to any and all existing easements and servitudes, and all restrictions as to traffic thereon (excepting insofar as the City may be empowered and may choose to restrain or regulate the same, subject to the terms hereof) are hereby removed, and the City shall have the right to name the highways so dedicated.

3. Those portions of the land described in Schedule 'B' which are now or hereafter travelled by vehicular traffic shall be put in repair and kept in all necessary repair and lighted by the City in accordance with the City's standard for street lighting on the public highways in the area adjacent to such lands.

4. Those portions of the land described in Schedule 'C' which are now or hereafter travelled by vehicular traffic shall be lighted by the City in accordance with the City's standard for street lighting on the public highways in the area adjacent to such lands.

5. The footpaths or sidewalks now or hereafter existing on any of the lands described in Schedules 'B' and 'C' hereto shall be put in repair and kept in all necessary repair by the City, and shall be maintained in their present locations or in such other locations thereon as the University approves, provided that the University will not unreasonably withhold such approval.

6. Nothing herein contained shall affect any rights of the University under the 1859 lease, the 1877, 1883, 1889, 1911, 1929 or 1950 agreements, or any other agreement between the University or its predecessors and the former City or the City relating to Queen's Park and/or the Avenues or approaches thereto, as confirmed or modified by the Statutes aforesaid, except insofar as such lease, agreement or Statute applies to the lands described in Schedule 'A' hereto, and then only to the extent necessary to give full force and effect to this agreement.

7. The rent of five shillings, if demanded, payable by the City to the University under the 1859 lease is not to be reduced by reason of the reduction effected by this agreement in the lands subject thereto.

8. The University reserves the right of access in perpetuity to the lands described in Schedule 'B' for vehicles and pedestrians, provided that nothing herein shall be construed to be inconsistent with the 1950 agreement and without restricting the generality of the foregoing the University specifically reserves a permanent vehicular and pedestrian right-of-way across the lands firstly described in Schedule 'B', which together with a similar right-of-way reserved by the University across certain of the lands described in Schedule 'C' shall constitute a continuous right-of-way from Wellesley Street West westerly to the lands of the University in the location of the presently existing roadway and sidewalks, permitting vehicular and pedestrian passage thereover in both directions at all times, subject to such reasonable traffic regulation as the City or the Municipality of Metropolitan Toronto may require, provided that the access ramps connecting the main portion of Wellesley Street West to Queen's Park Crescent West may be one-way.

9. The owners of property adjacent to the Avenues dedicated by the 1889 agreement as amended by the 1913 Statute and the 1929 agreement are not by reason of this agreement or the dedications hereby effected to acquire any right of ingress or egress to or from the said Avenues from or to their said adjacent properties.

10. The University reserves the right upon reasonable notification to the City from time to time to lay, maintain and repair sewers and to construct, maintain and repair works for the passage of water, electricity, steam, gas or pedestrians under the lands described in Schedule 'B' in locations where the same will not interfere with works constructed by the City, the Metropolitan Corporation or any public utility or constructed or to be constructed under the authority of easements or other rights previously granted by the City or the University.

11. The City accepts the dedication of the lands described in Schedule 'B' upon the terms and conditions set out herein.

12. The University covenants and agrees with the City that the existing Robert Raikes statue and Volunteers Memorial 1866 shall remain the property of the City and in their present locations unless removed by the City, and the City shall at all reasonable times have access to these monuments, so long as they occupy their present sites, for maintenance and repair thereof.

13. The City covenants and agrees with the University that it will not operate nor, to the extent that such operation may from time to time be subject to its control, permit the surface operation of streetcars, trolley buses or any vehicle using tracks, rails, or overhead wires, upon the lands described in Schedules 'B' and 'C' respectively.

14. The University hereby forever releases and discharges the City from all obligations on the part of the City under paragraphs 7 and 8 of the 1889 agreement with respect to the endowment and maintenance of two Chairs in the University of Toronto, such releases and discharge to be effective October 1, 1973, when the second quarterly payment in respect of the year commencing July 1, 1973 and ending June 30, 1974 would otherwise be due and payable.

IN WITNESS WHEREOF the parties have executed this agreement.

THE GOVERNING COUNCIL OF THE UNIVERSITY
OF TORONTO

THE CORPORATION OF THE CITY OF TORONTO

A Member of the Executive Committee

Deputy City Treasurer

Schedule 'A'

ALL AND SINGULAR those certain parcels or tracts of land situate, lying and being in the City of Toronto in the Municipality of Metropolitan Toronto and being composed of parts of Park Lots 11 and 12, Concession 1 from the Bay, described as Parts 2, 5, 7, 8, 10, 12, 14, 15, 18, 19, 20, 21, 27, 30, 34, 37 and 38 according to a Plan deposited in the Land Registry Office for the Registry Division of Toronto (No. 63) as RD-239.

Schedule 'B'

Those certain parcels or tracts of land situate, lying and being in the City of Toronto, in the Municipality of Metropolitan Toronto and being composed of:

Firstly:

Those parts of Park Lots 11 and 12, Concession 1 from the Bay, described as Part 30 according to a Plan deposited in the Land Registry Office for the Registry Division of Toronto (No. 63) as RD-239.

Secondly:

That part of Park Lot 12, Concession 1 from the Bay, described as Part 37 according to said Plan RD-239.

Schedule 'C'

ALL AND SINGULAR those certain parcels or tracts of land situate, lying and being in the City of Toronto in the Municipality of Metropolitan Toronto and being composed of parts of Park Lots 11 and 12, Concession 1 from the Bay, and parts of Lots 67, 68 and 72 according to Registered Plan D-178, described as Parts 3, 4, 6, 9, 11, 13 and 34 according to a Plan deposited in the Land Registry Office for the Registry Division of Toronto (No. 63) as RD-239.

BILL Pr7

1981

(Chapter 106)

An Act respecting the City of Windsor

WHEREAS The Corporation of the City of Windsor consid- Preamble
ers it expedient to establish a corporation to accept volun-
tary donations on behalf of the City of Windsor towards the
rehabilitation of Willistead Manor; and whereas the applicant
hereby applies for special legislation for such purpose; and
whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts as
follows:

1. In this Act,

Interpre-
tation

- (a) "board" means the board of directors of the Corpora-
tion;
- (b) "City" means The Corporation of the City of Windsor;
- (c) "Corporation" means Willistead Manor Inc.;
- (d) "council" means the council of the City;
- (e) "director" means a person appointed to the board as a
member thereof.

2.—(1) There is hereby established a corporation without Willistead
Manor, Inc.,
incorporated
share capital under the name of "Willistead Manor Inc."

(2) The Corporation shall have a corporate seal upon which its Corporate
seal
corporate name shall appear.

(3) The head office of the Corporation shall be at the City of Head office
Windsor.

(4) In the event of conflict between any provision of this Act Conflict with
R.S.O. 1970,
c. 89
and any provision of *The Corporations Act*, the provision of this
Act prevails.

Objects

3. The objects of the Corporation are to receive, maintain, manage, control and use donations for charitable purposes for the rehabilitation of Willistead Manor in the City of Windsor.

Board of directors

4.—(1) The board shall be composed of fifteen persons who shall be appointed by resolution of council.

Term of office

(2) The directors shall be appointed for terms of office as follows:

1. Seven first directors shall be appointed for a term of one year.
2. Eight first directors shall be appointed for a term of two years.
3. Directors appointed after the first directors shall be appointed for a term of two years.

Removal

(3) Council may at any time terminate the term of office of any director by resolution passed by a vote of at least two-thirds of the members of council.

Vacancies

(4) Where a vacancy occurs in the board for any cause, council may appoint a director for the remainder of the term for which his predecessor was appointed.

Reappointment

(5) Council may reappoint a director upon the expiration of his term of office.

Non-profit corporation

5.—(1) The Corporation shall be carried on without the purpose of gain for the members of the board and any profits or other accretions to the Corporation shall be used in promoting its objects and purposes.

Application of property

(2) The property of the Corporation shall be applied solely for the objects and purposes of the Corporation.

Powers

6. For the purpose of attaining its objects, the Corporation has the power,

- (a) to accept and hold any real or personal property granted, donated, devised, bequeathed or otherwise conveyed to it and to convert any such property into money;
- (b) to advise council respecting,
 - (i) the operation of Willistead Manor,

- (ii) the development and maintenance of the grounds of "Willistead Park",
 - (iii) the promotion and development of Willistead Manor as a centre for amusement, entertainment and exhibitions,
 - (iv) the promotion of meetings, receptions and displays in Willistead Manor,
 - (v) the promotion of educational or cultural activities in Willistead Manor, and
 - (vi) the promotion of the performing arts, including musical and artistic work, in Willistead Manor; and
- (c) to pay over from time to time moneys received by the Corporation to the City Treasurer and the City shall use any money so received only for the purposes of operating, renovating and furnishing Willistead Manor.

7.—(1) The directors shall elect annually a chairman and vice-chairman from amongst themselves. Chairman,
vice-
chairman

(2) The vice-chairman shall act in place and stead of the chairman when the chairman is absent. Absence of
chairman

(3) The chairman and vice-chairman are eligible for re-election during any subsequent term as director. Re-election

8. A majority of directors constitutes a quorum at any meeting of the directors. Quorum

9. A director may serve without compensation or with compensation in such amount as the council may determine. Compensation

10.—(1) The City Treasurer shall cause an audit to be made of the receipts and disbursements of the funds of the Corporation and shall report thereon to council not later than the 31st day of March in each year. Audit

(2) The Corporation shall be subject in all respects to *The Charitable Gifts Act*, *The Charities Accounting Act* and *The Mortmain and Charitable Uses Act*. Application of
R.S.O. 1970,
cc. 61, 63, 280

- Budget** **11.**—(1) The Corporation shall submit its annual budget on or before the 2nd day of January in each year to council for approval.
- Expenditure** (2) The Corporation may, in accordance with its budget as approved by council, pay expenses and any other sums of money required for the carrying out of its objects.
- Dissolution** **12.** The council may, by by-law passed by a vote of at least three-quarters of all the members thereof, dissolve the Corporation, and after the payment of all debts and liabilities, the remaining property of the Corporation shall vest in the City and be used solely for the rehabilitation of Willistead Manor.
- Commence-
ment** **13.** This Act comes into force on the day it receives Royal Assent.
- Short title** **14.** The short title of this Act is *The City of Windsor Act, 1981*.

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COUNTY COURTS AMENDMENT ACT: 1981, c. 24 (8th September, 1981).

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HEALING ARTS RADIATION PROTECTION ACT: R.S.O. 1980, c. 195, ss. 2, 15, 16, 17, 18 (1st August, 1981).

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- Condominium Plans.....		324/81	May 30/81
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Township of Aldborough in the County of Elgin, Lot 7, Concession XII, Plan Number D-320.....		8/81	Jan. 31/81
Township of Essa in the County of Simcoe, Lot 19, Concession IV, Plan Number 51R-478.....		12/81	Feb. 7/81
Town of Bracebridge in the District Municipality of Muskoka, Lot 20 in Concession IX, Plan Number BR-1624.....		17/81	Feb. 7/81
Town of Fort Erie in The Regional Municipality of Niagara, Lot 40, Plan Number 1088 and Lot 57, Plan Number 200.....		34/81	Feb. 14/81
Town of Blind River in the Territorial District of Algoma, Lot 376, Plan Number 487.....		54/81	Feb. 21/81
Town of Goderich in the County of Huron, lots 865 and 866, lots 888 and 889, Plan Number 7.....		74/81	Mar. 7/81
City of Hamilton in The Regional Municipality of Hamilton-Wentworth, lots 6, 7, 8 and part of Lot 9 Plan Number 62R-423.....		86/81	Mar. 14/81
Township of Bedford in the County of Frontenac, Lot 31, Concession VII, Plan Number R-95		124/81	Mar. 21/81
Township of Paipoonge in the Territorial District of Thunder Bay, Lot 25, Concession III, Parcel 2094....		189/81	Apr. 11/81
Township of Snowdon in the Provisional County of Haliburton, Plan Number 19R-538.....		211/81	Apr. 25/81
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Township of Dunwich in the County of Elgin, Lot 8, Concession VII.....		260/81	May 16/81

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Township of Rama in the County of Simcoe, formerly in the County of Ontario, Lot 19, Concession F..... (revoked by 486/81)		261/81	May 16/81
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Town of Wasaga Beach formerly in the Village of Wasaga Beach, in the County of Simcoe, Lot 2, Concession XV, Plan Number 815.....		263/81	May 16/81
Town of Wasaga Beach in the County of Simcoe, Plan Number 518942 and Plan Number 815.....		264/81	May 16/81
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Township of Carden in the County of Victoria, Lot 2, Concession IV, Plan Number 57R-228.....		411/81	July 4/81
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City of Toronto in The Municipality of Metropolitan Toronto, Lot 1, Plan Number 128E.....		485/81	Aug. 8/81
Township of Rama in the County of Simcoe, formerly in the County of Ontario, Lot 19, Concession F.....		486/81	Aug. 8/81
City of Mississauga in The Regional Municipality of Peel, formerly in the Township of Toronto in the County of Peel, Lot 128, Plan Number 745.....		488/81	Aug. 8/81
Town of Wasaga Beach, formerly the Village of Wasaga Beach, in the County of Simcoe, Lot 5, Sixteenth Concession.....		528/81	Aug. 29/81
City of North York, formerly in the Borough of York, in The Municipality of Metropolitan Toronto, Plan Number 2056.....		542/81	Sept. 5/81
Town of East Gwillimbury in The Regional Municipality of York, Block E, Part I, Plan Number 402..... (revoked by 585/81)		577/81	Sept.12/81
Town of East Gwillimbury in The Regional Municipality of York, Block E, Part I, Plan Number 402.....		585/81	Sept.12/81
Town of Tay in the County of Simcoe, Lot 13, Plan Number 87 designated as Part 14, Plan Number 51R-1278.....		612/81	Oct. 3/81
City of Orillia, formerly in the Township of South Orillia, in the County of Simcoe, Lot 5, Concession IV, Parts 1, 2, 3 and 4 Plan Number 51R-1130.....		618/81	Oct. 10/81

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Geographic Township of Casgrain in the Territorial District of Cochrane, Lot 25, Concession VII.....		632/81	Oct. 17/81
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Township of Nottawasaga in the County of Simcoe, Lot 32, Concession IV and V.....		676/81	Oct. 31/81
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Township of Mariposa in the County of Victoria, lots 7 and 8, Concession A, Part 54, Plan Number R.D. 187 and Lot 98, Plan Number 553.....		783/81	Dec. 5/81
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Township of Lindsay in the County of Bruce, Lot 15, Concession VIII, Plan Number R-174.....		869/81	Jan. 16/82
<p>(An asterisk (*) denotes that the Regulation has <u>been amended prior to January 1, 1981 but</u> <u>the amendments are not shown.</u>)</p> <p>(- for amendments to the end of 1980 <u>- see Table of Regulations published in</u> <u>The Ontario Gazette dated March 14, 1981 or</u> <u>in the Statutes of Ontario, 1980.)</u></p>			
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Township of Hay.....		*288/74	
Township of Morris.....		*291/74	
Township of Stephen.....		*289/74	
amended.....		410/81	July 4/81
Township of Turnberry.....		*290/74	
Township of Usborne.....		*287/74	
County of Kent, Township of Camden.....		*278/74	
Township of Chatham.....		*10/73	
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Township of Raleigh (revoking Reg.)....		68/81	Mar. 7/81
Township of Raleigh.....		70/81	Mar. 7/81
County of Lambton, Township of Bosanquet.....		*280/74	
Township of Warwick.....		*281/74	
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County of Leeds and Grenville, Township of Front of Leeds and Lansdowne.....		*309/74	
Township of Oxford (on Rideau).....		372/77	
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Township of South Elmsley.....		*310/74	
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County of Ontario (now The Regional Municipality of Durham), Township of Pickering (now the Town of Pickering).....	*102/72		
amended.....	208/81	Apr. 18/81	
amended.....	209/81	Apr. 25/81	
amended.....	833/81	Jan. 2/82	
amended.....	852/81	Jan. 9/82	
Township of Uxbridge.....	*103/72		
amended.....	538/81	Aug. 29/81	
County of Oxford, Township of Tillsonburg.....		*347/74	
County of Perth, Township of Elma.....		*285/74	
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Township of Smith.....		879/79	
County of Prescott and Russell, Township of West Hawkesbury.....		*321/74	
County of Prince Edward, Township of North Marysburgh (revoking Reg.).....		812/81	Dec. 19/81
Township of Sophiasburgh.....		*327/74	
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Township of Alice and Fraser.....		*314/74	
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Township of McNab.....		*311/74	
amended.....	437/81	July 11/81	
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Township of Rolph, Buchanan, Wylie and McKay.....		*312/74	
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Township of Innisfil.....		1034/80	
Township of Innisfil.....		675/81	Oct. 24/81
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amended.....	185/81	Apr. 11/81	
amended.....	237/81	May 2/81	
amended.....	366/81	June 20/81	
amended.....	367/81	June 20/81	
amended.....	474/81	Aug. 1/81	
amended.....	518/81	Aug. 22/81	
amended.....	545/81	Sept. 5/81	
amended.....	624/81	Oct. 10/81	
amended.....	684/81	Oct. 31/81	
amended.....	878/81	Jan. 16/82	
Township of Tay (revoking Reg.).....	148/81	Apr. 4/81	
Township of Tecumseth.....		*300/74	
Township of Tiny.....	190/81	Apr. 11/81	
Township of Vespra.....	* 62/73		
amended.....	202/81	Apr. 18/81	
amended.....	274/81	May 16/81	
amended.....	307/81	May 23/81	
amended.....	491/81	Aug. 8/81	
amended.....	492/81	Aug. 8/81	
amended.....	519/81	Aug. 22/81	
County of Victoria, Township of Ops (revoking Reg.).....		715/81	Nov. 7/81
District of Algoma, geographic townships of Lewis, Long, Shedden, Spragge and Striker.....	*662 of R.R.O., 1970		
geographic Township of Striker.....		165/80	
geographic Township of West.....	182/81	Apr. 11/81	
amended.....	308/81	May 30/81	

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Sault Ste. Marie North Planning Area...	279/80		
amended.....	161/81	Apr. 4/81	
amended.....	281/81	May 23/81	
amended.....	380/81	June 20/81	
amended.....	497/81	Aug. 15/81	
amended.....	716/81	Nov. 7/81	
amended.....	863/81	Jan. 16/82	
District of Cochrane,			
Town of Kapuskasing.....	*669 of R.R.O., 1970		
Town of Kapuskasing.....	172/75		
Township of Glackmeyer.....	*271/74		
geographic townships of Casgrain, Hanlan, Kendall, Lowther and Way.....	*493/78		
amended.....	63/81	Feb. 28/81	
geographic townships of O'Brien, Owen and Teetzel.....	423/78		
Sunday Lake Area and Lower Detour Lake Area.....	280/81	May 23/81	
District of Kenora,			
geographic Township of Baird.....	12/78		
geographic townships of Brownridge, Ewart, Glass, Kirkup and Pelican.....	482/71		
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geographic Township of Pettypiece.....	177/80		
geographic Township of Wainwright.....	797/79		
geographic Township of Wainwright.....	326/81	May 30/81	
territorial District of Kenora (Part of Summer Resort Location L.K. 324 - Parcel 15400 - District of Kenora Freehold).....	327/81	May 30/81	

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District of Manitoulin, geographic townships of Campbell, Dawson, Mills and Robinson (*153/74)			
amended.....		144/81	Mar. 28/81
amended.....		158/81	Apr. 4/81
amended.....		435/81	July 11/81
amended.....		530/81	Aug. 29/81
(revoked by 672/81)			
District of Manitoulin, geographic townships of Campbell, Dawson, Mills and Robinson.....		672/81	Oct. 24/81
District of Nipissing, geographic townships of Askin, Gladman, Joan and Macpherson.....		486/71	
geographic Township of Phyllis.....		811/81	Dec. 19/81
geographic Township of Strathy.....	*666 of R.R.O., 1970		
part of the District.....	*540/74		
(see Schedule to the Regulation)			
amended.....		35/81	Feb. 14/81
amended.....		75/81	Mar. 7/81
amended.....		397/81	June 27/81
amended.....		457/81	July 25/81
amended.....		562/81	Sept.12/81
amended.....		563/81	Sept.12/81
amended.....		564/81	Sept.12/81
amended.....		673/81	Oct. 24/81
amended.....		740/81	Nov. 21/81
amended.....		745/81	Nov. 28/81
amended.....		758/81	Nov. 28/81
amended.....		830/81	Dec. 26/81
amended.....		831/81	Dec. 26/81
Township of Temagami.....	*667 of R.R.O., 1970		
amended.....		561/81	Sept.12/81
District of Parry Sound, geographic Township of Croft.....		153/80	
geographic Township of Croft.....		1110/80	
geographic Township of East Mills.....		1133/80	
geographic Township of Ferguson.....		1109/80	
amended.....		396/81	June 27/81

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geographic townships of McKenzie and Patterson.....		*484/71	
District of Rainy River, geographic Township of Misco Campbell.....	449/74		
amended.....	575/81		Sept.12/81
amended.....	603/81		Sept.19/81
amended.....	712/81		Nov. 7/81
Registered Plan No. SM-293 (south of the geographic Township of Trottier)...	483/71		
Township of Alberton.....		*268/74	
District of Sudbury, geographic townships of Emo and Strathearn.....		485/71	
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amended.....	1/81		Jan. 24/81
amended.....	14/81		Feb. 7/81
amended.....	384/81		June 27/81
amended.....	385/81		June 27/81
amended.....	477/81		Aug. 1/81
amended.....	487/81		Aug. 8/81
amended.....	509/81		Aug. 15/81
amended.....	532/81		Aug. 29/81
amended.....	543/81		Sept. 5/81
amended.....	572/81		Sept.12/81
(revoked by 834/81)			
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Township of Baldwin.....		*270/74	
District of Thunder Bay, geographic townships of Ashmore, Errington, Fulford and McQuesten.....	364/81		June 20/81
geographic townships of Gorham and Ware.....		*109/75	
geographic Township of Lyon.....	897/79		
geographic townships of Pearson and Scoble.....		*219/75	
geographic Township of Upsala.....	296/80		
geographic Township of Upsala.....	64/81		Feb. 28/81
amended.....	533/81		Aug. 29/81

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Savant Lake Townsite (Registered Part M-56).....		131/80	
District of Timiskaming, Town of Charlton, the Township of Chamberlain and the geographic townships of Boston, Dack, Evanturel, Lebel, Marquis, Marter, McElroy, Otto and Pacaud.....	*671 of R.R.O., 1970		
amended.....	143/81		Mar. 28/81
amended.....	243/81		May 9/81
amended.....	355/81		June 13/81
amended.....	458/81		July 25/81
amended.....	490/81		Aug. 8/81
amended.....	527/81		Aug. 22/81
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Town of Pickering.....	* 19/74		
amended.....	779/81		Dec. 5/81
Township of Uxbridge (formerly the Township of Scott in the County of Ontario).....	*634/77		
Town of Whitby.....	*467/74		
Regional Municipality of Haldimand-Norfolk, townships of Delhi and Norfolk (formerly in the Township of Middleton)	*347/74		
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Township of West Carleton (formerly in the Township of Fitzroy).....	670 of R.R.O., 1970		

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Regional Municipality of Waterloo, City of Cambridge (formerly in the Township of North Dumfries).....		535/79	
Regional Municipality of York, Town of Markham.....		*104/72	
amended.....		125/81	Mar. 21/81
amended.....		207/81	Apr. 18/81
amended.....		349/81	June 13/81
amended.....		436/81	July 11/81
amended.....		444/81	July 18/81
amended.....		540/81	Sept. 5/81
amended.....		670/81	Oct. 24/81
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District of Nipissing - Plans M-66, M-251 and M-269.....	668 of R.R.O., 1970		

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